

Extension

फाइल स0 File No. VI | 11034 | 18 | 98 D TI | N C B II खण्ड Volume 111

भारत सरकार GOVERNMENT OF INDIA गृह मंत्रालय

### MINISTRY OF HOME AFFAIRS

अनुभाग
SECTION
पत्राचार
CORRESPONDENCE

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Indexed on
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अनु. अ./ अधीसक के हस्तासर Initials of S.O./Supot Appointment of Justice Mukherjee Commission of Inquiry into the alleged disappearance of Netaji Subhash Chandra Bose.

पिछले हवाले Previous References

In Sectional Note Book

बाद के हवाले Later References Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of the Netaji Subhas Chandra Bose was set up on 14.5.1999 and has made a further request to extend its term beyond 14.5.2003 for the following reasons:

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- (a) The terms of reference of the Commission are considerably wide and they call for thorough probe into matters which are more than half a century old;
- (b) No counter-affidavits or affidavits-in-opposition could ultimately be filed by the Government of India in respect of the averments/contentions/allegations contained in the affidavits/supplementary affidavits of different deponents filed before the Commission, in spite of its prolonged persuasions.
  - (c) The Commission has been persistently asking different Ministries/Departments/offices of the Government of India for various files/documents/reports, many of which are yet to be received by the Commission.
  - (d) The Government of the U.K. is yet to be persuaded successfully by the Government of India to agree to declassify all relevant classified British documents so that the Commission can peruse those documents and can rely upon the relevant ones, if any, for the purpose of its inquiry.
  - (e) Notwithstanding their statement made by the then Prime Minister in the Lok Sabha on 28.08.1978 regarding availability of "further contemporary official documentary records", no such records could be traced out by the Government of India so far in spite of prolonged persuasion by the Commission with them.
  - (f) By Commission's letter No. 513 dated 07.02.2001 the Ministry of External Affairs was requested to obtain the present address of each of the witnesses examined before Shah Nawaz Khan Committee and Justice Khosla Commission who are still living in Japan to enable the Commission to prepare a programme for examination of all the available witnesses in Japan. After prolonged correspondences with the Ministry of External Affairs and the Indian Embassy in Japan to sort out various relevant issues, the programme for visit of the Commission to Japan could be materialized not earlier than September, 2002.
  - (g) Some of the deponents before the Commission have in their affidavits and/or sworn testimonies asserted that documents containing clinching evidence relating to the points of the inquiry of the Commission are in the possession and / or under the control of different foreign Governments. Accordingly, the Hon'ble Minister of External Affairs was requested to take up the matter with the Government of the U.K., the U.S.A., Japan, Taiwan, Russia, etc. (vide enclosed copy of Hon'ble Chairman's d.o. letter No. 267 dated 21.08.2001) addressed to the then Hon'ble Minister who in his d.o. reply dated 26.09.2001 (copy enclosed) stated inter alia:

-7-

"The points raised in your letter under reference have been taken up with our Missions in the countries concerned. We would keep the Commission informed about outcome of their efforts in this regard."

As thereafter, positive response was received only to the extent that some Russian documents were sent through the Ministry of External Affairs and that the visit of the Commission to Japan had materialized. the Hon'ble Chairman met the Hon'ble Minister of External Affairs on 28.10.2002 in New Delhi to expedite the long pending matters and, apropos the said meeting, the Ministry of External Affairs was requested, inter alias, in Commission's letter No. 398 dated November 11, 2002 to kindly pursue with the Government of the U.K. closely to get declassified all relevant classified British documents relating to Netaji Subhas Chandra Bose and/or I.N.A. which are in the possession and/or under the control of the Government of the U.K., as also to persuade the Governments of the U.K., the Russian Federation, all other States which are now sovereign but previously within the erstwhile USSR, Japan, Thailand, Malayasia, Singapore, Vietnam, Taiwan, Germany, Ireland, etc. to make available or accessible to the Commission at their earliest convenience, all classified/declassified/unclassified containing evidence/materials relating to and/or having relevance to the points of the inquiry of the Commission, which are in the possession and/or under the control of the aforesaid Government and/or in the various archives of these countries. In response, we have received on 10.02.2003 a list of archives in Kazakhastan and the name, address, etc. of one archive in Kyrgyzstqn and have also received on 24.02.03 lists of archieves of Turkmenistan, Ukraine and Armenia as also the and telephone No. of one archives are likely to have information on Netaji Subhas Chandra Bose/INA as requested in Commission's letter No. 415 dated November 15, 2002 addressed to the Ministry of External Affairs, Government of India. Appropriate steps will have to be taken by the Commission for its visit to those foreign countries where relevant records/witnesses would be reported to it by the Ministry of External Affairs, to be available in those foreign countries.

- (h) Endeavour is being continued to be made to obtain authenticated copies of relevant files/ documents / records from different Ministries/Departments/Offices of the Government of India which are reported by them to be destroyed or missing.
- (i) 76 records/files which are admitted by the Intelligence Bureau, government of India to be available with them could not be perused by Shri P.N. Chakravarty, Senior Research Officer of the Commission when he visited the Intelligence Bureau, New Delhi as per programme in the second half of February, 2003 with prior intimation to the Intelligence Bureau, Government of India. He was told by them that the Micro-film system of the I.B. to make those records available for inspection on behalf of the Commission..
- (j) It has been taking considerable time to collect more specimens of verified handwritings of Netaji Subhas Chandra Bose, preferably those which originated during the period from 1940 to 1945 and get those handwritings compared/verified with the questioned handwritings allegedly of Netaji Subhas Chandra Bose, by three eminent handwriting experts, consecutively and independently.

- It has also been taking considerable time to collect the particulars of the eligible living persons on the paternal lineage and maternal lineage of Netaji Subhas Chandra Bose, to obtain their consent to donate their respective blood samples for the purpose of D.N.A. tests thereof, to get expert's opinion regarding feasibility of D.N.A. test of the alleged mortal remains of Netaji Subhas Chandra Bose lying in the Renkoji Temple of Japan as also to arrange for D.N.A. tests of some specimens collected from Faizabad Treasury to establish the identity of the subject to whom those specimens belong.
  - Voluminous documents/printed matters /handwritten matters in different languages have been and are being referred to/received by the Commission which call for their scrutiny on proper translation thereof into English wherever necessary. protracted persuasion with the Ministry of Home Affairs as also with the Ministry of Law, Justice and C.A., the hurdles faced by the Commission in filling up the relevant posts could be removed and two Senior Research Officers and one Senior Hindi Translator could ultimately be engaged by the Commission as its employees. But in the meantime, 33 to 36 months elapsed since the setting up of the Commission on 14.05.1999. consequently, the backlog of the said task of scrutiny/translation still remains quite voluminous.
  - The Commission has already held it sittings and examined witnesses at different place in India. It is also required to hold its sittings in future at various other places of India where the witnesses of Shah Nawaz Khan Committee and Khosla Commission are still available for being examined by this Commission as also at the places were individuals, group of persons, association, institutions and organizations acquainted with or having knowledge, directly or indirectly, of the facts and circumstances, or having documents relating to the matters referred to the Commission for inquiry, have expressed and will be expressing their willingness to be examined by the Commission.

In view of the grounds cited by the Commission as referred above, the request of the Commission appears to be justified. Accordingly, the term of the Commission may be extended beyond 14.5.2003 for one year. The file is submitted for the kind approval of HM/ Depty Pin.

Submitted, please

Director (ISII) Already four extensions have been given by I've commission since it was constituted in may 1999. The freson's request is for one year's extension. for considerable (ander 1.

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#### Ref. Preceding notes.

Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose was set up on 14-5-1999. The Commission got its extension from time to time and the last extension is going to be over on 13-5-2003 and hence this proposal is further of 1 year w.e.f. 14-5-03. The detail reasons for making request for further extension of the term of the Commission by another 1 year may kindly be seen at preceding paras at page 1-3/ante.

- 2. The Commission has further submitted that it may all be "probability" required to visit different places in connection with its brief notes only in India but also abroad. Besides the Commission feels that since a long period of more than 54 years has elapsed, there may be difficulties for the Commission in the matter of making available to all the evidence oral and documentary. Moreover process of collecting records in different languages and thereafter scrutinizing as well as translation of the same take significant time of the Commission.
- 3. In view of the above the request of the Commission beyond 14/5/03 may be considered by the Govt. We may have the approval of Dy.PM in the matter. Once we have the approval of Deputy PM, we will need to apprise M/o Finance also in the matter particularly because of the extension of Commission's term will also result in the continuation of the infrastructure and various temporary posts created by the assistance of the Commission.
- 4. Kind approval of Dy.P.M. may please be obtained.

JS(IS)

(U K Kalra) 3 Director (IS-II) The issue on the file is to consider extension by another year, as sought by the Justice Mukherjee Commission of Inquiry at pp-1-6/cor for the various reasons mentioned therein.

- 2. It may kindly be recalled that the Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of the Netaji Subhas Chandra Bose was set up on 14-5-1999 for a period of six months. The Commission has since been given extension from time to time and the present extension expires on 14-5-2003. The Commission has 24 posts, besides Chairman, with the requisite infrastructure and is headquartered at Calcutta. While almost four years have elapsed, the Commission is nowhere near finalising the report as is evident from the nature and scope of the reasons cited by them for further extension of one year. Of the reasons adduced by the Commission for further extension as reproduced at pp-1-3/notes, almost all available files/documents by Central Ministries/Departments have been furnished to the Commission. The MHA has also filed a comprehensive affidavit before the Commission regarding the files/documents available with it.
- 3. In view of the position stated above, I am of the view that the Commission needs to be more focused and selective in collecting evidence so as to complete its inquiry. Also, it may not be appropriate for the inquiry being undertaken by the Commission to be open ended. In the circumstances, it is proposed that the term of the Commission may be extended by another six months with effect from 15-5-2003 and the Commission be informed that they should complete their inquiry during this extended period upto 14-11-2003.
- 4. Submitted for kind consideration and approval by the Dy. P.M. Thereafter, the Ministry of Finance would be approached before the notification extending the term of the Commission is issued.

(L.C. Goyal) JS(IS) 15-3-2003

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Ministry of Home Affairs IS(V)

Ref. note on pages 1-5/ante.

The proposal of Justice Mukherjee Commission of Inquiry for extension of the term of Commission beyond 14.5.03 has been considered and approved by Hon'ble Dy. P.M. for further extension upto 14.11.03.

We may now refer the file to Ministry of Finance, D/o Expenditure (E Coord-I Br.) for according, extension of the term of the Commission as well as infrastructure including the existing posts with the post of Chairman of the Commission of Inquiry set up to enquire into the alleged disappearance of Netaji Subhas Chandra Bose for a period of 6 months beyond 14.05.03 before the Gazette Notification is issued. The matter may be given priority as the said notification needs to be vetted by the Law Ministry.

(M.S. ZUHA)
DESK OFFICER

IFD (FIN (V) Desk)

MHA Fin V

It is felt that reference to M6 finance at this stage is not required. It is seen that in the fast too, notification to extending the ferm of the Commission have been issued witant consulting IFD/MOF. IS Division may however obtain approval of M6 finance for further continuation of temporary ports in the Commission once the notification extending its terms is immed.

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Ministry of Finance & Company Affairs Department of Expenditure E.Coord I Branch Reference:- Notes on prepages The proposal has been considered in this department. We agree to the extension of the term of Justice Mukherjee Commission of Inquiry up to 14.11.2003 as proposed. This issues with the approval of Finance Minister. UNDER SECRETARY [C] F.A.[HOME] M/Fin.[Expdr.] ID No.640/E. Coord I/2003, Dated: - 17.4.2003

### Ministry of Home Affairs IS(V)

### Ref. notes on pre-pages/ante

The proposal of Justice Mukherjee Commission to extend the term of the Commission from 14/5/2003 to 14/11/2003 has nowbeen approved by the Hon'ble Dy. PM and M/o Finance.

We may now issue a notification amending the original notification dt. 14/5/1999 published as S.O.339(E) so as to indicate that the Commission shall submit its report to the Central Govt. as soon as possible but not later than 14/11/03. Accordingly a draft notification is put up for consideration. This has been attempted on the basis of the earlier notification issued for extending the term of the Commission from 14.5.02 to 14.5.03 (F/B).

A DFA may now shown to the M/o Law and Justice, (Legislative Deptt.) for getting the same vetted. After the draft notification has been vetted by the Legislative Department, its Hindi Version will be got vetted by the Official Language, Legislative Commission.

Submitted for approval please.

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V(PIA)

DESK OFFICER

Legislative Deptt.(Legislative-I Section), Shastri Bhavan, New Delhi-110001 MHA ID No.VI/11034/18/98-IS(V) (Vol-III) dt.22/4/03

विच न्याव कीर कम्पनी कार्य मंत्रालय प्राप्त तथा प्रेषण अनुसाग 3 APR 2003 4313को प्राप्त हमा

Legislative Department

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Angry Sigh
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Mo Home Affairs.

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100 अनुवास अनुभाग वागमाषा रकड हिनी पाछ की विसीका कर की गर्र है। तथा प्राणिक मेजातप यह ध्रिश्चित कार ते ।क हिन्दी पाछ उन्हीं सप्पाली के अनुराप हैं। (एम ए र अरीवास्त्य) 352/2145 ग्रह के भारती विषय क्यांक बी॰ भी० स्वा॰ इतः में 583/03- अन्तु र, मान २-5-03 N.C.B. We may request Hinde Section to kindly provide a fair copy on a green-sheet of the Huidi version of the Notification as vetted by the Legislaline Deptt (O.L. Wing) Dig(3) Unity 1

Hindi Section The Religional and suches desired. Patrick als 15-X (N.C.B) lioth in Eiglish and Hirdle (DPA) heefore it is suit to gout of Idia Bress, Mayapur for publication in the Sazette of Idia. Mhankir 12/6/03. Lel = 3. 12.5.2003. DO (50 - INCB)

#### Ministry of Home Affairs NCB Section

As we are aware that this Ministry has appointed a Commission of Inquiry to look into the facts and circumstances related to the disappearance of Netaji Subhash Chander Bose in 1945 and subsequent developments connected therewith vide notification dated 14.5.1999 (copy enclose).

The said Commission headed by Justice M.K. Mukherjee, a retired judge of the Supreme Court of India with headquarter at Kolkata was given six months time for the inquiry and submission of its report to the Government of India. But the Commission instead of submitting its report sought extension from time to time and the last extension was allowed up to 14.5.2003. However the Commission approaches Ministry for further extension which has been considered and approved by Deputy Prime Minister and Ministry of Finance and the Commission is allowed further extension for six months i.e. up to 14.11.2003.

The required extension by way of notification in the Gazette of India (Extraordinary) has been sent to the Government of India Press, Mayapuri to be published in the Gazette of India (Extraordinary) dated 14.5.2003.

Keeping in view of the importance of this Commission we may also announce this decision of extension of the Commission, as per draft Press Note which may kindly be seen for consideration/approval and submission to the Deputy Principal Officer Home who is the spokesman on behalf of Ministry of Home Affairs in respect of media matters.

Desk Officer (NCB

Director(NCB)

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Preceeding note at page 5 ante may kindly be perused.

The proposal of the Justice Mukherjee Commission of Inquiry for extension of the term of the Commission beyond 14.5.03 to 14.11.03 has since been considered and approved by the Hon'ble Deputy Prime Minister and Gazette Notification published in this regard has since been received and placed at flag-'X'.

As it is evident that four years have elapsed but the Commission is nowhere near the finalizing the report, the further extension for six months has been approved by the Dy. Prime Minister with the condition that the Commission will be more selective and focus in collecting evidence so as to complete its report positively by 14.11.2003.

In view of the above, if approved to, we may inform Commission as per DFA. Submitted please.

Desk Officer

Director(S)

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## Ministry of Home Affairs NCB Section

Subject: Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.11.2003.

Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of the Netaji Subhas Chandra Bose was set up on 14.5.1999 and has made a further request to extend its term beyond 14.11.2003. This refers to Commission's letter dated 27.2.2003(page.5/c) addressed to this Ministry soliciting further extension of the term of Justice Mukherjee Commission of Inquiry for one year beyond May14,2003 for reasons explained and referred to therein as also referred to this Ministry's letter dt. 23.5.2003(p.17/c) and the Notification No. S.O 546(E) dated 14.5.2003(p.17/c) it was mentioned that the term of the Commission has been extended for a further period beyond May 14,2003 but not later than November 14,2003.

Vide FR Justice Mukherjee Commission of Inquiry has stated that the Commission is not in a position to complete its inquiry within November14,2003as most of the reasons for earlier extensions still subsist and the problems and the difficulties faced by the Commission as explained in earlier proposal for extension of its terms remain substantially unresolved as mentioned prepage .2-5/ante. Further they have stated that the Commission hold its 24<sup>th</sup> sitting on September 16,2003 in Kolkata when seven witnesses likely to be examined that the Commission has already examined /re-examined on recall 107 witnesses that many of the sittings of the Commission continued for two days or more that the present whereabouts of all the relevant witnesses examined earlier outside India as also of those mentioned a new, reportedly living abroad are yet to be collected by/furnished to the Commission the reports regarding availability/non-availability of the relevant documents are yet to be obtained/collected from most of foreign countries concerned by the Ministry of External Affairs to make them available to the Commission, on receipt of which the Commission might be required to draw up programmes for its visit to the relevant foreign countries including Taiwan for examination of witnesses and documents available there and also for inspection of important relevant sites; that the programme for visit to Taiwan.

The Commission has also stated that there has been no break through in such a vital matter of DNA testing of the alleged mortal involving various socio-political ramification of the issues of handling the said mortal remains and taking samples thereof for anthropological evaluation and DNA testing.

In view of the facts and circumstances stated hereinbefore as also those stated and referred to in the Commission's aforesaid letter dated February 27,2003.(copy enclosed p.26/c) Commission has requested to take necessary steps for extension of the terms of Justice M.K. Mukerjee Commission of Inquiry for a further period of atleast one year beyond November 14,2003 to enable the Commission to continue its work without any break to draw up its various programmes in advance to ensure maximum utilisation of its extended tenure.

In view of the above, it is proposed that the term of the JMCI may be extended by another one year w.e.f. 15.11.2003 and the Commission be requested that they should complete their inquiry during this extended period upto 14.11.04.

Submitted for kind consideration and approval by the Deputy P.M. Thereafter the Ministry of Finance would be approached before the notification extending the term of the Commission is issued.

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FR is a request from Justice Mukherjee Commission for the extension of its term for a further period of <u>at least</u> one year beyond November, 14, 2003 to enable the Commission to continue its work without any break or interruption and to draw up its various programmes in advance to ensure maximum utilization of its extended tenure.

- 2. In brief, Justice Mukherjee Commission of Inquiry was set up on 14.5.99 initially, for a period of six months, for inquiring into the alleged disappearance of Netaji. The Commission has since been given extension from time to time and the present such extension expires on 14.11.03. Earlier, the Commission had approached the Government of India during February, 2003(F/A) for extending its tenure for one year beyond 15.5.03. However, its period was extended by another six months viz., upto 14.11.2003. The grounds on which the period was extended only for six months were that the Commission was nowhere near finalizing the report though more than four years had elapsed. almost all available files/documents by Ministries/Departments had been furnished to the Commission and comprehensive affidavit before the Commission MHA also filed regarding files/documents available with it. (Note 5/ante).
- 3. To justify its present request for further extension, the Commission has now stated that the reasons for earlier extensions still subsisted and the problems and the difficulties faced by it remain substantially unresolved. Many new witnesses, reportedly staying abroad, are yet to be collected, reports regarding availability/non-availability of the relevant documents are yet to be obtained from most of the foreign countries, as has been explained by the Commission in FR. Location of all these relevant witnesses available within or outside India are very much time consuming and results are upredicable. Further, as per Commission, there has been no breakthrough as yet in such a vital matter as DNA testing of the alleged mortal remains of Netaji allegedly kept in Renkoji Temple in Japan.
- 4. Before the request of the Commission for extending its term for another one year beyond 14.11.03 is considered, it may be mentioned that the Commission needs to be more focused and selective in collecting evidence so as to complete its inquiry, a view taken by MHA earlier also while giving extension for six months.(page 5/ante). During the last Parliament Sessions, we have been getting umpteen number of questions, starred as well as unstarred, regarding the report of the Commission. In the ensuing monsoon session also, many such questions are expected. Though the Commission's problems/difficulties

as mentioned in FR are genuine but even then a certain time frame is required to be defined.

5. It is therefore, suggested that the Commission may be granted extension for six months only, beyond 14.11.03 with the request to finalise the report during this period only. Submitted for kind consideration and approval of the Hon'ble Deputy Prime Minister. The Ministry of Finance would be approached thereafter, for futher continuation of temporary posts(24 at various levels) in the Commission after the notification extending the term of the Commission is issued.

6. Submitted please.

(Umesh Kumar Kalra)
Director(Security)

Joint Secretary(Security)

8.10.2003

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#### Ministry of Home Affairs NCB-II/IS(V)

### Ref. notes on pre-page:/ante

The proposal of Justice Mukherjee Commission to extend the term of the Commission from 14.11.2003 to 14.5.2004 has now been approved by the Hon, ble Dy.PM.

We may now issue a notification amending the original notification dt. 14.5.1999 published as S.O.339(E) so as to indicate that the Commission shall submit its report to the Central Govt. as soon as p;ossible but not later than 14.5.2004. Accordingly a draft notification is put up for consideration. This has ben attempted on the basis of the earlier notification issued for extending the term of the Commission from 14.5.2003 to 14.11.03(F/X).

A DFA may now shown to the M/O Law and Justice, (Legislative Deptt) for getting the same vetted. After the draft notification has been vetted by the Legislative Department, Its Hindi Version will be got vetted by the Official Language, Legislative Commission.

Submitted for approval please.

13/11/2/2

( M.S. ZUHA ) DESK OFFICER DATED 31.10.2003

DIRECTOR(S)

JOINT SECY(S)

Lale 2.11.2003

Legislative Deptt.(Legislative-I Section) Shastri Bhavn, New Delhi.

MHA ID No. VI-11034/18/98-NCB/IS(V) (Vol.III)dt.

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Ministry of Home Affaire

-18-Ref. note on pre-page Since the draft notificalis Extending the term of Justice Makharjee Commission of deguy leayand 14-11-2003 has been velled by the Leg. Defilt., we may now refer the fele to d. J. (O. L. wing) for provide p Hirch version I hi notification urgently (per lecares) Dir (5) may widly see for infralio lefu Sh. Simirus, Reon is defuted to molestake this work 6/11/03. Diefs) Maken L. Depth-(QL Wing) 84/11 शामाचा चैंड ५०३ इंक संव १३०५ उन्तुवाव I अन्तुभाग याममाषा उनेड हिन्दी पाछ की एक भीत संलाक ही लापा अशालिक मंगालप यह धुनिश्चित कर ले कि िर्ध्य पाठ उनकी अपयाजी के अख्या है। अंग करंगा we can be able to the con-( अभीत वेमन) 352/12/4 23388231 महारिस डे हि No mil date 31 / 500 1305 /03-3000770 7-1103

### Reference Prepage:

JS(S) may kindly sign. Draft notification both in English and Hindi(DFA) before it is sent to Govt. of India Press, Mayapuri for Publication in the Govt. of India.

(M.S. ZUHA)

DESK OFFICER

//S (Security)/03 Joint Secy(S)

## Ministry of Home Affairs (NCB-II Section)

FR may kindly be seen.

Justice Mukherjee Commission of Inquiry to inquired into the alleged disappearance of the Netaji Subhas Chandra Bose was set up on 14.5.1999. The Commission got its extension from time to time and the last extension is going to expire on 13.5.2004. The Commission has approached this Ministry for further extension for one year beyond 14.5.2004 on the grounds indicated at Annexure B & C which are selfexplanatory and may kindly be pursued.

Perusal of Annexure B reveals that the Commission has shown some long pending matter with Government of India. The pending issues indicated at para 1,2,3,4,5,7,10,and 12 of Annexure B and para 2 & 8 of Annexure C concered Ministry of External Affairs on which we are unable to throw light. So far as pending issues indicated at para 6,8, and 11 of Annexure B and 1, 4 to 7 of Annexure C are concerned, it is mentioned that the Commission has already been apprised of the factual position relating to original authenticated true copies of documents before the Khosla Commission and marked as exibite or the proceeding of the said Commission. The Commission has apprised of the non availability of the exibite or proceeding of the Khosla Commission time and again even by the affidavit filed before the Commission. In regard to para 11 of Annexure B, the Commission has already been explained time and again.its factual position. Hence the above reasons given by the Commission for getting further extension may not be acceded.

So for as reasons indicated at para 1,,4,5,6,and 7 of Annexure C the factual position are as follows;

Para 1: In this para the Commission has sought some further contemporary official documentary records relating to the statement made by Shri Murarji Desai than Prime Minister of India on the floor of the Parliament on 28.8.1978. In this connection, the Commission has categorically informed through affidavit that no contemporary records could be traced neither in PMO nor in this Ministry.

Para.4:- In this para the Commission has alleged that volume XVIII, XIX, and XXII pertaining to the Khosla Commission alongwith other relevant files/documents shown in affidavit dated 19.12.2001 of Smt Sangeeta Gairola.has not been made available. In this connection, it is clarified that the list of documents attached with affidavit do not contain Volume XVIII, XIX, and XXII as indicated by the Commission. As such it is incurrect to say that these volumes have not been made available to the Commission. However, volume I to

--- on page 22/\_

XVII and volume XX, XXI, XXIII and XXIV shown in the affidavit were made available to the Commission.

Para 5:- In this para, the Commission has indicated that the Affidavit allegedly filed by the Government of India before the Khosla Commission regarding destruction/missing of 34 confidential files on Netaji has not been made available to the Commission. In this connection it may be stated that the Commission has not indicated any reference ask by whom or by which Department that affidavit was filed. Moreover, 319 files of Khosla Commission available in this Ministry was thoroughly checked by the representative of the Commission but no such affidavit could be traced. As it was an hypothetical presunption, no reply was sent to the Commission How whatever the documents and files of the Khosla Commission were available have been provided to the Commission.

Para 6:- The Commission has already been apprised of the factual position regarding non-availability exhibits/proceedings of Khosla Commission time and again. .

Para 7:- No comments required..

As most of the issues shown pending against Ministry of External Affairs in view of the positions stated above if agree to we may seek the views/comments of the Ministry of External Affairs before processing the case for further extension. Accordingly a DFA is put up for approval please.

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### Ministry of Home Affairs NCB Section

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#### Ref. FR

As we are aware that Justice Mukherjee Commission of Inquiry was set up on 14/5/1999 initially for a period of six months to inquire into the alleged disappearance of Netaji. The Commission has been given extension from time to time and the present extension will expire on 14/5/04. Now the Commission has approached this Ministry for further extension for one year beyond 14/5/04.

To justify its present request for further extension, the Commission has stated that they are not in a position to complete its inquiry within the extended period i.e 14/5/04 as the subject matter of the Commission is highly time consuming exercise because of its nature being (a) inquisitorial (b) half a century old matter (c) many of the foreign witnesses are yet to be located and (d) relevant documents which are in the custody of foreign Governments are yet to be persuaded. In addition of these the Commission has stated that the most of the reasons for earlier extension still subsists and the problems and difficulties faced by the Commission remain substantially unresolved as per Annexure B and C which are self-explanatory and may kindly be perused.

In the matter of DNA test of the alleged mortal remains of Netaji Subhas Chandra Bose kept in Renkoji Temple of Japan, the Commission itself has to find out ways and means for ascertaining feasibility of DNA Test. Uptill now the Commission could not take a final decision in the matter of appointment of suitable DNA expert as well as the process to be followed for DNA Test. The Commission is basically not clear as to whether or not the Japanese would allow to take samples from the said mortal remains for the purpose of the aforesaid tests and, in the event of their refusal to allow to take samples, whether delivery of the entire mortal remains should be taken from the Renkoji temple and brought to India for taking the required samples thereof and whether thereafter the charge of the residual part of the said mortal remains will be taken by the Government of India for its preservation pending conduct of the said D.N.A. test. The Commission is yet to get the required clarifications from the Government of India in this regard.

The Commission has proposed to visit Singapore, Malaysia, Vietnam and Taiwan. As the government of India has no diplomatic relation with the Government of Taiwan, certain formalities are required to be clear. In this regard JMCI sought MEA's assistance in facilitating a visit to Taiwan to examine records pertaining to Netaji that might be available there. After detailed enquiry, MEA informed the Commission that:-

- (a) No records of the 1945 period are available with the airport authorities;
- (b) The Nam Mong Military Hospital no longer existed;

- (c) The erstwhile Municipal Crematorium no longer existed nor were any records traceable.
- (d) The Taiwanese authorities were not aware about any Bureau of Health & hygiene and
- (e) Holitu Military Hospital, currently known as the National force Beitou Military Hospital, has no records older than 1992.

Apart from the above, the Commission has also indicated some long pending issues with the Govt. of India vide Annexure A and B. So far as pending issues indicated at para 6, 8 and 11 of Annexure B and para 1, 4 to 7 of Annexure C are concerned, it is clarified that the Commission has already been apprised of the factual positions of non-availability of requisite documents relating to original authenticated true copies of the documents filed before the Khosla Commission time and again even by the affidavit. So far as reasons indicated in para 1, 4, 5, 6 and 7 of Annexure C, the factual positions have been indicated vide page (21-22/ante).

Before the request of the Commission for extending its term for another 1 year beyond 14/5/04 is considered, it may be mentioned that the reasons for present extension on the grounds that the problems and difficulties faced by it still subsisted and substantially unresolved are not based on facts. As a matter of fact, it is mentioned that whatever documents/files available in this Ministry and other departments had been furnished to the Commission. Thousands of the documents were made available to the Commission by this Ministry. In addition, Ministry of External Affairs has rendered all possible assistance to the Justice Mukherjee Commission of Inquiry and has been in constant touch with the Commission on various issues, including obtaining of relevant information from various foreign governments through the respective Indian Missions. As such the Commission needs to be more focused on the available records obtain from various departments, deponents and abroad.

Although four and half years have been elapsed, the Commission is no where in finalizing the report as it is evident from the nature and scope of the reasons cited by them for further extension of 1 year beyond 14.5.04. But in view of the nature of the subject of Inquiry which involved controversial issues and in order to avoid public criticism as well as contempt of Court, we have no alternative but to acceed the request of the Commission for further extension of one year beyond 14.5.04.

Submitted for the kind approval of Dy.P.M.

(M.S. ZUHA) DESK OFFICER

DIR(S)

JS(S)

Justice Mukherjee Commission of Inquiry has again approached the Government of India for another extension of its term for a period of at least one year beyond 14.5.2004 to enable it to continue its work without any break or interruption and to draw up its various programmes for hearing in different places of India and abroad which are essentially warranted for proper completion of inquiry for the Commission.

- 2. Briefly, Justice Mukherjee Commission of Inquiry was set up on 14.5.1999, consisting of Mr. Justice Mukherjee, a retired judge of the Supreme Court of India, initially for a period of six months, for the purpose of inquiring into all the facts and circumstances relating to the disappearance of Netaji Subhas Chander Bose in 1945 and subsequent developments connected therewith. The Commission has since been given extension from time to time and the present such extension (and the sixth one)expires on 14.5.2004.
- 3. Earlier, the Commission had approached the Government of India on 9.9.2003 for an extension for one year beyond 14.11.03 on the plea that there was no breakthrough as yet in such a vital matter as DNA testing of the alleged mortal remains of Netaji, kept in Renkoji Temple in Tokyo, Japan and also that the present whereabouts of all the relevant witnesses as examined earlier outside India as also those mentioned anew, reportedly living abroad, were yet to be collected/furnished to the Commission. However, the term was extended for six months only i.e., up to 14.5.04.
- 4. Now, to justify its request for further extension, for at least one year, the Commission has stated that it is not in a position to complete the inquiry by the deadline i.e., 14.5.04 as most of the reasons elaborated and referred to in its earlier letter dated 9.9.2003 still hold good( referred to in para 2 above). The Commission has enclosed three statements marked as 'A', 'B' and 'C' on various issues as follows:
- 5. The statement at 'A' indicates the number of witnesses examined in course of the hearings, the number of exhibits and the number of material exhibits admitted by the Commission, the number of sittings held and the affidavits filed before it.
- 6. The statement 'B' is about some long pending important matters of the Commission with the Government of India whereas statement 'C' shows some of the important issues

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which the Commission has been constrained not to pursue on the repeated failures of the Ministries/Departments concerned of the Government of India to comply with the directives of the Commission sent in that regard from time to time.

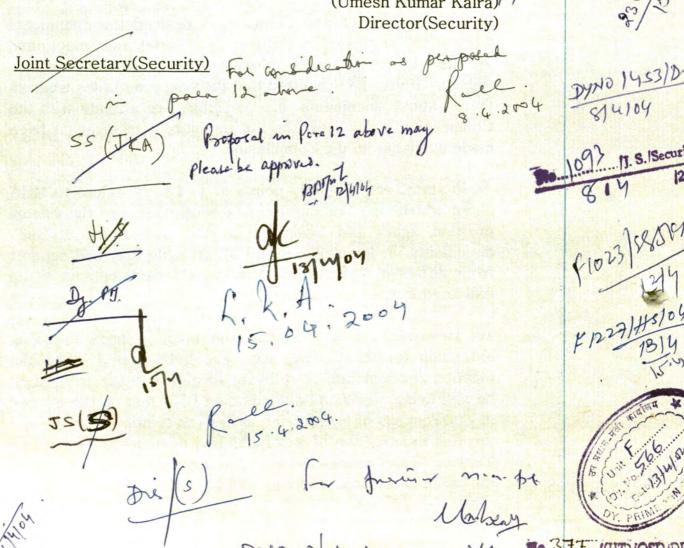
- 7. We, in the Government of India, are concerned with statements at 'B' and 'C'. Perusal of statement 'B' shows that all the points listed, pertain to the Ministry of External Affairs except that at Sr. Nos. 6, 8 and 11. About points 6 and 8 which relate to Khosla Commission, set up in July, 1970, Commission has already been apprised of the factual position about the non-availability of requisite documents, through the monthly status reports and by filing Affidavits. In this connection, Shri P.K. Sengupta, Secretary to the Commission, had a discussion with Joint Secretary(Security) in the latter's chamber on 1st April, 2004(wherein the undersigned was also present). Shri Sengupta was clarified that, apart from the files/documents sent to the Commission, relating to Khosla Commission, no other record, as required, were now available with MHA. A formal communication to the effect, has already been sent to the Commission.
- 8. As per point 11, the Commission desired the documents from MHA, originated in Cabinet Secretariat and mentioned in its letter to Justice Mukherjee Commission. In this regard, it may be submitted that the concerned files wherein these above documents are available, are already with the Commission. However, the copies thereof have again been made available to the Commission.
- 9. In statement 'C', only points at 1, 4 to 7 relate to MHA about which the Commission has been conveyed the factual position again and again about non availability of such documents. It is submitted that all possible help and support from different Government Ministries/departments is being extended to the Commission.
- 10. However, it is seen that the main grounds requiring extension for the Commission have been stated to be the location /examination of relevant foreign witness who might be still living; decision on conducting DNA test on the alleged mortal remains of Netaji lying in Renkoji temple in Tokyo and location/examination of witnesses and documents abroad like Taiwan. The Commission is yet to draw up plans to examine the available witnesses living abroad.

11. Though the circumstances/factors detailed by the Commission are genuine as the grounds for delay in submitting its report, even then, certain time frame is required to be specified. We have been getting umpteen number of Parliament Questions, both starred and unstarred in every session relating to Justice Mukherjee Commission. However, keeping in view the circumstances explained by the Commission, another extension for six months beyond 14th May, 2004, (which will be 7th one in a row) could be considered with a request to finalise and submit the report to the Government by 14<sup>th</sup> November, 2004 positively.

12. The approval of Hon'ble Deputy Prime Minister is solicited for extending the term of the Commission for six months beyond 14th May, 2004. The Ministry of Finance(Department of Expenditure) would be approached thereafter, for further continuation of temporary posts(24 at various levels), in the Commission after the notification extending the term of the Commission is issued.

13. Submitted please.

Director(Security)



### **Ministry of Home Affairs** (NCB-II Section)

Subject: Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.5.2004.

#### Reference notes on pre-page/ante

The proposal of Justice Mukherjee Commission to extend the term of the Commission from 15.5.2004 to 14.11.2004(six month only) has now been approved by the Hon'ble Dy.PM.

We may now issue a notification amending the original notification dated 14.5.1999 published as S.O.339(E) so as to indicate that the Commission shall submit its report to the Central Government as soon as possible but not later than 14.11.2004. Accordingly a draft notification is put up for consideration. This has been attempted on the basis of the earlier notification issued for extending the term of the Commission from 15.5.2004 to 14.11.2004.

A DFA may now be shown to the Ministry of Law and Justice(Legislative Department) for getting the same vetted. After the draft notification has been vetted by the Legislative Depart. Its Hindi Version will be got vetted by the Official Language, Legislative Commission.

Submitted for approval please..

Pariblu

**DESK OFFICER** 16.4.2004.

DIRECTOR(S)

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विधि धीर खाय मना नम Minister of Law & Jone (बिहाया अभाग) Legislator Department विधायी । अनुभाग Logislative I Section to be the the state of the state of the and the world of the policy between their work different ability THE PART WHAT THE PARTY WAS A STATE OF THE PARTY AS A the anti-right actor department and an anti-residence of the destruction and the control of the c विधि, त्यास मंत्र कायसी कार्त संभाधन Ministry of Law, Justice क Commy Attairs (head) from (Legislative Dipn.)

### Reference note on pre-page

Since the draft notification extending the term of Justice Mukherjee Commission of Inquiry beyond 14.5.2004 has been vetted by the Legislative Department, we may now refer the file to L.D.(Official Language Wing) for providing Hindi Version of the notification urgently(per bearer).

Director(S) may kindly see for information before Shri Shri Niwas, United Broth Do Contemes 1/4/04. Peon is deputed to undertake this work.

DIR(S)

LEG.DEPT.(O.L. Wing)

वानमाया रुवंद

अग्रिस्चान के विद्या पाठ की किएक अलि संलाउन है। त्था प्रशामाणक मंत्रालय यह मुलिश्चित कर ही कि दिन्दी पाठ उनकी अधिकाओं के अन्तरंप दी।

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## From Pre-Page.

A Fair Draft Notification both in English and Huide extending the term of Justice Mukherjee Commission of Inquiry beyond 14.5.2004 duly approved and neeled by Ministry of Law and Justice, (Legislative Depth.) is put up for kind Signature by JS(S).

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# Ministry of Home Affairs NCB-II Section

Subject:

Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.11.2004.

Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of the Netaji Subhas Chandra Bose was set up on 14/5/1999 for a period of six months. The Commission has since been given extension from time to time and the present extension expires on 14.11.2004. The Commission has 24 posts, besides Chairman with the requisite infrastructure and its Headquarters at Kolkatta. The Commission has approached this Ministry for a further extension of 1 year beyond 14.11.2004 basically on the following grounds:-

- a) A number of relevant documents including authenticated copies of documents relating to exhibits/affidavits filed by different deponents before Shah Nawaz Committee/Khosla Commission and other documents indicated in the FR called for from the Ministries/Offices of the Govt. of India are yet to be obtained.
- b) Some of the classified/declassified documents/records lying outside India are required to be made accessible by the Ministry of External Affairs.
- c) The Commission visited U.K and Japan in 2001 and 2002 respectively and submitted a proposal to visit Taiwan, Singapore, Vietnam, Malaysia and Bangkok from 15.11.2004 to 30.11.2004 for the purpose of Inquiry in those countries.
  - d) Present whereabouts of almost all the relevant witnesses examined earlier outside India as also most of those mentioned anew reportedly living abroad, are yet to be collected and the reports regarding availability/non-availability of the relevant documents are yet to be obtained/collected from most of the foreign countries concerned by the Ministry of External Affairs, Government of India, to make them available to the Commission on receipt of which the Commission might

External Affairs, Government of India, to make them available to the Commission on receipt of which the Commission might be required to draw up programmes for its visit to the relevant foreign countries for examination of witnesses and documents available there as also for inspection of important relevant sites in those countries.

- The Commission is still continuing its efforts to ascertain feasibility of proposed DNA test of the alleged mortal remains of Netaji Subash Chandra Bose kept in the Renkoji temple.
- 2. So far as reasons indicated at para a and b above are concerned, it may be classified that the Commission is being provided all types of assistance/cooperation as and when they approach this Ministry or other Ministries/Departments. All documents relating to Netaji available in MHA, MEA, Defence, PMO, Cabinet Sectt., NAI and IB have been provided to the Commission except a few of documents relating to exhibits or proceedings of the Commission against which the Commission has already been apprised of the factual position through affidavits.
- 3. However the inquiry of the Commission is inquisitorial and not adversarial in nature, the subject matter of the inquiry is more than half a century old; the country in which the alleged air crash took place has no diplomatic relations; the places where relevant witnesses and documentary evidences are likely to be available are in foreign countries far away from India; and the desired response of those foreign countries are not yet available. Therefore, the Commission is duty-bound to pursue diligently and patiently with all concerned to try to make available to itself the relevant evidences, oral and documentary, to the maximum possible extent, in the interest of holding the inquiry properly.
- 4. Keeping in view of the above and to avoid public criticism there should have no objection to accede the request of the Commission for extension of its term by another six months beyond 14.11.2004.
- 4. Submitted for kind consideration and approval by the Home Minister. Thereafter the Ministry of Finance would be approached for consideration of the posts and infrastructure before the notification of extending the term is issued.

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# Extension of the tenure of Justice Mukherjee Commission of Inquiry beyond 14.11.2004

Justice Mukherjee Commission of Inquiry (JMCI) is looking into the facts and circumstances related to disappearance of Netaji Subhas Chandra Bose. The decision for setting up the JMCI was taken in the light of directions given by the Kolkata High Court in April, 1998, for a vigorous inquiry for the purpose of giving an end to the controversy surrounding the death of Netaji, and, also keeping in view the resolution adopted by the West Bengal Legislative Assembly on 29.12.1998, demanding the setting up of a fresh inquiry commission.

- 2. The JMCI was set up vide notification dated 14.5.1999, in pursuance of a decision taken by the Cabinet. Its term has been extended from time to time with the approval of Dy. Prime Minister/Home Minister and the present extension expires on 14.11.04
- 3. The JMCI has submitted a proposal for a further extension of its term up to 14<sup>th</sup> November, 2005 i.e., one year. The main reasons indicated by the Commission for the delay in submission of its report are:
  - i) Finalisation of the programme for visiting Russia, Taiwan and some South East Asian countries like Thailand, Singapore, Malaysia and Vietnam;
  - ii) Finding of willing Indian scholars/students in the USA to do the job of archival research at various American repositories of relevant historical records relating to Netaji;
  - iii) Feasibility of conducting DNA test on the alleged mortal remains of Netaji, kept at Renkoji temple in Tokyo;
  - iv) some of the files/records/documents of the Government of India which could not be furnished to the Commission;
  - v) some of the records/files/documents/reports, requested by the Commission, which could not be

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178/cal + + 22N collected/procured from the foreign countries concerned by the Government of India;

- 4. The progress of the work of the Commission was recently reviewed by the Home Minister on 1st September, 2004. He had desired that the following details should be obtained from the Commission:
  - i) Extent of work done;
  - ii) Work remaining to be done;
  - iii) Projected time frame for completion of the inquiry.
- 5. The reply in this regard received from the Commission is placed at Flag 'X'/()
- 6. Regarding the extent of work done, Commission has informed that:
- i) it has already examined 119 witnesses,
- ii) marked 954 documents/materials as exhibits,
- iii) received 73 affidavits
- iv) examined many voluminous documents/printed matters/books, including foreign documents and those received from Government of India and state government of West Bengal.
- 7. On the work remaining to be done, the Commission states that apart from the matters mentioned in para 3 above,
  - i) the present whereabouts of all the relevant witnesses examined earlier outside India as also of those mentioned anew reportedly living abroad, are yet to be collected by the Government of India and furnished to the Commission.
  - ii) The attendance of the remaining Indian witnesses including Indian experts is to be ensured.
- iii) Commission has to extend opportunities to the deponents to get copies of all the relevant documents, called by the Commission and are yet to be traced.

No. 11012/61/2004 Mag



- iv) Commission has to write its report after taking into account all the oral and documentary evidences and arguments advanced.
- v) About 75 percent of the estimated bulk of the work has already been completed. The remaining 25% of the work indicated above is very crucial and time consuming
  - 8. The Commission feels that the constraints detailed in paras 3 and 7 above are coming in its way for projecting a fixed time frame for completion of inquiry.
  - 9. So far as the constraints regarding availability of government and foreign documents/records, as mentioned in item (iv) and (v) in para 3 above, are concerned, it may be clarified that the Commission is being provided all types of assistance/cooperation as and when they approach this Ministry or other Ministries/Departments. All documents relating to Netaji available in this Ministry, MEA, Defence, PMO, Cabinet Sectt., National Archives of India and IB have been provided to the Commission except a few documents relating to exhibits or proceedings of the Khosla Commission against which the Commission has already been apprised of the factual position through affidavits.

JMCI is also in constant touch with MEA for having access to the foreign documents/records and the latter has been providing necessary assistance to JMCI in this regard.

- 10. However, it is seen that the main grounds requiring extension for the Commission have been stated to be the location/examination of relevant foreign witness who might be still living; decision on conducting DNA test on the alleged mortal remains of Netaji lying in Renkoji temple in Tokyo and location/examination of witnesses and documents abroad like Taiwan.
- 11. In view of the circumstances explained above, it is suggested that the Commission may be granted extension for six months only, beyond 14.11.04 with the request to finalise

its report during this period only. Submitted for the kind consideration and approval of the Hon'ble Home Minister. The Ministry of Finance would be approached thereafter, for further continuation of temporary posts(24 at various levels) in the Commission after the notification extending the term of the Commission is issued.

12. Submitted please.

(Umesh Kumar Kalra) Director (Security)

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As desired by HM, the Justice Mukherjee Commission of Inquiry (JMCI) was requested to indicate the details of the work yet to be completed and the projected time frame for completion of the inquiry.

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The reply received from the JMCI in this regard is rather vague. It has been stated that the JMCI is likely to prepare its report within a period of about 3 months after the completion of the works remaining to be done.

- 3. The items of work remaining to be done inter alia, are the following:
  - (i) The present whereabouts of the relevant witnesses examined earlier outside India as also of those mentioned anew reportedly living abroad are yet to be received by the JMCI.
  - (ii) The JMCI is yet to receive certain documents from foreign countries.
  - (iii) The JMCI might be required to visit relevant foreign countries for examination of witnesses and documents available in those countries.
  - (iv) The evidence of the remaining Indian witnesses including Indian experts is to be taken.
  - (v) The deponents have to be extended opportunities to get copies of all the relevant documents, which have been called for by the JMCI but are yet to be reviewed. Thereafter, the deponents have to be given opportunities to offer their arguments.
  - (vi) DNA testing of the alleged mortal remains of Netaji kept in the Renkoji Temple in Japan is yet to be done.
- 4. The JMCI has been taking the assistance of various ministries including MHA and MEA and the ministries have extended all possible cooperation in the matter of collecting information, documents etc. However, as stated above, a lot of work remains to be done. Even in the matter of DNA testing, after 2 years of effort, JMCI has not been able to finalise the manner in which it will be done.
- 5. From the reply of JMCI, it is clear that the JMCI will take a long time to complete its work. In any case, there is no possibility of the Commission submitting its report in the foreseeable future.
- 6. The proposal for extension of JMCI's term by 6 months is submitted for HM's approval. However, if any other view is taken on account of the open-ended time frame indicated by JMCI, there could be other repercussions since the JMCI was set up in pursuance of the directions given by Kolkata High Court in April, 1998 and the

resolution adopted by the West Bengal Legislative Assembly in December, 1998. This aspect may also kindly be kept in view.

> (K.P.Singh) AS(BM) 26.11.2004

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The case was discussed with AS(BM) and H.S. on 2.11.2004.

2. It was agreed that Cabinet approval may be sought for granting a final extension of 6 months to the Justice Mukherjee Commission of Inquiry to submit its report. No further extension will be considered.

3. A draft Note for the Cabinet is accordingly submitted for consideration and obtaining Home Minister's approval.

(Rakesh)

Joint Secretary(Security)

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## Ministry of Home Affairs **Security Division NCB-II DESK**

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Subject: Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.04 regarding.

#### Ref FR

Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose was set up on 14.5.1999 with the approval of Cabinet. In the notification dated 14.5.1999 it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of above notification. The term of the Commission has however been extended regularly from time to time based on requests received from the Commission. The present extension will expire on 14.11.04.

The present request for further extension of 1 year beyond 14.11.04 sought on various grounds were examined and found that the time frame indicated is open ended. Ultimately it was decided to refer the matter for Cabinet's approval as follows:-

- a) A final extension of six months beyond 14.11.04 and
- To inform the Commission that no further extension will be b) allowed and it should complete and submit its report within this period.

As the term of the Commission is expiring on 14.11.04 pending the approval of Cabinet, it is submitted for order whether we may issue a notification extending the term of the Commission for six months beyond 14.11.04 as indicated at a) above pending the approval of Cabinet so that the Commission's functioning may not be hampered.

A DFA is placed below.

**DESK OFFICER** 

DESK OFFICER

DIR(S) Discussed with JS(s)

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# Reference notes on pre-page/ant 9 F.R.

Since the Gazette Notification regarding further extension of term of the Justice Mukherjee Commission has been received from the Government Press, We may inform JMCI as per DFA which may kindly be seen at lag/A.

Submitted for approval please.

DO(NCB-II) 17.11.2004

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#### Ref. FR

Cabinet Secretariat has forwarded Cabinet decision on the proposal contained in the Cabinet Note sent on 09.11,2004 regarding extension of term of Justice Mukherjee Commission of Inquiry.

As per the procedure, action taken report is required to be sent to Cabinet Sectt. with reference to the Implementation Schedule attached to the agenda note.

Accordingly, we may inform Cabinet Secretariat as per DFA.

Desk Officer.

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Discussed with Dir(s)

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## Ministry of Home Affairs Security Division NCB-II Desk

FR may kindly be seen.

Under submission is an extract from the Rajya Sabha debate dated 22/3/05 containing a matter of Urgent Public Importance (Special Mentions) raised in the House by Dr. Alladi P. Rajkumar reg. request for granting extension to Mukherjee Commission of probing disappearance of Netaji Subhash Chandra Bose.

- 2. Rajya Sabha Sectt., has desired that a reply to this Special Mention may be sent direct to the MP under intimation to the Sectt. within stipulated period of one month. In the Special Mention the Hon'ble MP has expressed concern over the Govt. decision that no further extension beyond 14/5/05 would be granted to the JMCI. He has also stated that since the Commission has reached at climax on the issue of disappearance of Netaji, the term of the Commission may be extended without hesitation keeping in view the sentiments of the crores of people of the country.
- 3. The brief background is that in compliance of the direction of Kolkatta High Court dated 30.4.1998 and the Resolution passed by West Bengal Legislative Assembly on 29.12.1998, a Commission of Inquiry headed by retired judge of Supreme Court, Mr. Justice M.K. Mukherjee, with headquarters at Kolkatta was set up, vide notification dated 14.5.1999, to enquire into all the facts and circumstances related to the disappearance of Netaji and subsequent development connected therewith.
- 4. The Justice Mukherjee Commission of Inquiry was initially required to submit its report within six months from the date of issue of notification dated 14.5.99. However, the term of the Commission has been extended from time to time. The last such extension is up to 14.5.2005.
- 5. Before granting extension to the Commission beyond 29.11.2004 or upto 14/5/05 the Commission was requested to furnish the details of work done, work remaining to be done and projected time frame for completing the inquiry. It pointed out several constraints in completing the inquiry and stated that it will take 3 months to prepare the report after completion of all the work remaining to be done. Since the reply of the Commission was vague and the time frame indicated by it was open ended, it was considered that a time limit may be set for completion of the work by the Commission.

6. The matter was submitted to the Cabinet and it was decided that: (i) The term of the Commission may be extended for another 6 months beyond 14.11.2004. (ii) The Commission may be informed that no further extension will be allowed and it should complete and submit its report within this period, i.e., by 14.5.2005. A notification extending the term of the Commission was accordingly issued and the Commission was also informed as per (ii) above. At present no proposal for further extension beyond 14.5.05 has been received from JMCI. However, it has intimated inter-alia that "the Commission has been asked to submit its report by May 14, 2005 without fail-on which date the term of this Commission also expires, it (the Commission) suggests the plan for winding up its office soon after submission of the inquiry report." Thus, it is clear that the Commission even though has proposed action plan for winding of the Commission's offices at Kolkata simultaneously instead of requesting for further extension of its term. In view of the above it is submitted for orders whether we may seek the views/comments of the Commission on this Special Mention or the Hon'ble MP is informed on the above lines. Submitted please. **DESK OFFICER** DS(S) at para 6 above, it is proposed that may not need the views comments on this special me bettimber by, There was another exply from the in that it is in the process of prepring set and will submit it by 14.5.2005. K. up and se-submit with a self contained

# Ref. pre-page

F/PUC is a U.O dated 22.3.2005 from R.S. Sectt., forwarding therewith uncorrected proceedings (P 474) dated 21.3.2005 wherein Dr.Alladi P. Rajkumar, MP had raised the matter regarding grant of further extension to Justice Mukherjee Commission of Inquiry probing disappearance of Netaji Subhas Chandra Bose.

- Rajya Sabha Sectt., have desired that a reply to this Special Mention may be sent direct to the MP under intimation to the Sectt. within stipulated period of one month. In the Special Mention the Hon'ble MP has expressed concern over the Govt. decision that no further extension beyond 14/5/05 would be granted to the JMCI. He has also stated that since the Commission has reached at climax on the issue of disappearance of Netaji, the term of the Commission may be extended without hesitation keeping in view the sentiments of the crores of people of the country.
- 3. Recently, we have also received two communications dated 9.3.05 and 28.3.05 from Shri Debabrata Biswas, MP (Rajya Sabha) and Dr. Murli Manohar Joshi, MP (Rajya Sabha) reg. extension of the term of Justice Mukherjee Commission of Inquiry for undertaking visit to Russia and Vietnam and providing full time facilities to JMCI respectively. These two communications are self explanatory and placed at flag A and B for perusal please.

# Brief Background of JMCI

- 4. On the issue of Netaji disappearance, the Govt. had earlier also appointed the Shah Nawaz Khan Committee in 1956 and the Khosla Commission in 1970. Both these bodies had come to the conclusion that Netaji had died in an aircraft accident in August 1945. However, findings of the Shah Nawaz Khan Committee and the Khosla Commission did not find acceptance with certain sections of the people.
- 5. In April, 1998, on a writ petition filed by Shri Rudra Jyoti Bhattacharjee, the Kolkatta High Court gave directions for a vigorous enquiry in accordance with law by appointing, if

5- -47-

necessary, a Commission of Inquiry as a special case for the purpose of giving an end to the controversy surrounding the death of Netaji. The West Bengal Legislative Assembly also adopted a resolution on 29.12.1998 demanding the setting up of a fresh enquiry. Keeping in view these developments, with the approval of the Cabinet, it was decided to set the Justice Mukherjee Commission of Inquiry (JMCI) and a notification was accordingly issued on 14.5.1999 to enquire into all the facts and circumstances related to the disappearance of Netaji and the subsequent developments connected therewith including:-

- a) whether Netaji Subhash Chandra Bose is dead or alive;
- b) if he is dead, whether he died in the plane crash, as alleged;
- whether the ashes in the Japanese temple are ashes of Netaji;
- d) whether he has died in any other manner at any other place and, if so, when and how;
- e) if he is alive, in respect of his whereabouts;
- f) The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Govt. in the circumstances;
- 6. The Commission was initially required to submit its report as soon as possible but not later than 14/11/99 or within six months from the date of issue of Notification dated 14/5/1999. However, anticipating the time allotted to it was inadequate, the proposal of the Commission for further extension was considered from time to time and the last extension of the term of Commission upto 14/5/2005.
- 7. All types of assistance/cooperation were provided to the Commission as and when they approached Union of India,

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Ministries/Deptt's including MHA, MEA, M/o Defence, PMO, Cabinet Sectt., National Archives of India and IB. All the available documents whether classified or otherwise relating to Netaji had already been made available to the Commission and in respect of specific documents that were not available, necessary affidavits were filed by the concerned Ministries/Deptts. Apart of the above the Ministry of Home Affairs in coordination with MEA and Indian Missions abroad facilitated JMCI from time to time in making arrangements for the visit, of U.K (2001), Japan (2002), Taiwan and Bangkok (January, 2005).

- In regard to proposed visit of JMCI team to Russia and Vietnam, a comprehensive feed back intimating the steps taken by M/o External Affairs/ Indian Missions abroad for facilitating and making arrangements for the proposed visit has since been received from MEA which is self explanation and may kindly be seen at F/C.
- 9. Before granting extension to the Commission beyond 19.11.2004 or upto 14/5/05 the Commission was requested to furnish the details of work done, work remaining to be done and projected time frame for completing the inquiry. It pointed out several constraints in completing the inquiry and stated that it will take 3 months to prepare the report after completion of all the work remaining to be done. Since the reply of the Commission was vague and the time frame indicated by it was open ended, it was considered that a time limit may be set for completion of the work by the Commission.
- 10. The matter was submitted to the Cabinet and it was decided that:
  - The term of the Commission may be extended for another 6 (i) months beyond 14.11.2004.
  - The Commission may be informed that no further extension (ii) will be allowed and it should complete and submit its report within this period, i.e., by 14.5.2005.

A notification extending the term of the Commission was accordingly issued and the Commission was also informed as per (ii) above.

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11. At present no proposal for further extension beyond 14.5.05 has been received from JMCI. Moreover, the JMCI in reply to part (e) of the Qn.Dy.No.12 for 15.3.05 "that the stage at which the enquiry is going on at present alongwith the tenure of the present Enquiry Commission and the Government plan about giving extension of the Commission, it has stated interalia that in view of the decision of the Government of India communicated to the Commission on 19.11.2004 that no further extension beyond 14.5.05 will be allowed. The Commission has, after canceling its longstanding and closely pursued proposal for visit to Russia, concluded its hearing and is now preparing its report for submission by the date fixed (May 14, 2005).

- 12. The Commission has also suggested the plan for winding up its office at Kolkata simultaneously soon after submission of the Inquiry report. Thus it is evident that the JMCI is determined to submit its report by due date without seeking further extension. In this situation the demand of the above Hon'ble MPs for further extension of the tenure of the JMCI may not be acceded so long the Commission itself does not approach this Ministry for extension.
- 13. As suggested vide R.S. Sectt., U.O dated 22.3.2005 to send reply to the Special Mention directly to the Member concerned by Hon'ble Minister, a draft d.o letter is placed below for kind consideration and approval of the Hon'ble Home Minister,

Submitted please.

(M.S. ZUHA)

**DESK OFFICER** 

DS(S)

7/4/05

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The facts of the case are explained in detail in the preceding note.

- In the special mention made by Dr. Alladi P. Rajkumar, MP the reasons, for which extension of the Commission's term has been sought, have not been indicated. In the DO letters of Shri Debabrata Biswas, MP and Dr. Murli Manohar Joshi, MP, the requirement of Commission's visit to Russia, Vietnam, Singapore etc. has been mentioned. य अवस्थान से के विकास
- As far as the visit to Russia and Vietnam is concerned, the MEA have clearly stated in their note that the information/documents sought by the Commission are not available in the museum or archives in those countries and the Commission has been informed accordingly.
- It was decided with the approval of the Cabinet that the Commission's term will not be extended beyond 14.5 2005 and the Commission was informed about it. The Commission has indicated it will submit its report by the date fixed i.e. 14.5.2005. There is, therefore, no case for granting further extension to the Commission.
- A draft reply from HM to Dr. Alladi P. Rajkumar, MP is placed apposite for consideration.

(Rakesh) Joint Secretary (Security) 11 April 2005

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During the discussion held on 20.4.2005, H.M. had indicated that some of the MPs had met him recently and pointed out that, before expiry of its term in November, 2004, the Commission had asked for an extension of 1 year beyond 14.11.2004 but only 6 months' time was given. The MPs had also informed that & Commission should visit certain countries like Russia and Vietnam for carrying out some investigations without which the inquiry would not be complete. The MPs had, therefore, requested H.M. to grant a further extension of 6 months to the Commission.

- Based on discussion with the PS to H.M., we had separately requested the Commission to indicate whether it can complete its inquiry by 14.5.2005 without visiting Russia and Vietnam and if the visit to Russia and Vietnam was necessary, what would be time frame for visiting these countries and submitting its report. The Commission has in its reply dated 20.4.2005 stated that it could not schedule its visit to these countries and it was asked to complete its report by 14.5.2005 with the condition that no further extension will be allowed. The Commission had further stated that, if it has the choice, it would like to visit Russian Union and Vietnam and submit its report within 3 months from the date of completion of the visit.
- As desired by H.M. during the meeting and in the light of reply given by the Commission, it is proposed to extend the term of the Commission by another 6 months beyond 14.5.2005.
- 4. As the last extension upto 14.5.2004 was given with the approval of the Cabinet, it is proposed to place the matter again before the Cabinet for its consideration. A draft Note for the Cabinet is accordingly placed opposite for consideration and approval.

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21.4.2005 (Rakesh) Joint Secretary (Security) 21.4.2005

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D.S.(s)

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## Ministry of Home Affairs Security Division NCB-II DESK

Inquiry beyond 14.5.05 regarding.

Subject: Extension of the term of Justice Mukherjee Commission of

Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose was set up on 14.5.1999 with the approval of Cabinet. In the notification dated 14.5.1999 it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of above notification. The term of the Commission has however, been extended regularly from time to time based on requests received from the Commission. The present term of the JMCI will expire on 14.5.05.

Based on the request of various MPs and Chairman, JMCI a Note for Cabinet regarding further extension for six months beyond 14.5.2005 has been put up separately for approval of the Cabinet.

As the time is very short, pending the approval of Cabinet, a draft notification along with Hindi Version prepared on the basis of previous notification is placed below for approval. It will be sent to Press on 13.5.05 for publication in Gazette of India.

Submitted please.

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(M.S. ZUHA)
DESK OFFICER

Deaft is OK. It should be reduced on lewipt of appearal fear the Cabinet.

J.s. 3

D.O. NCRU

Ref. FR (P-301 to 306)

Cabinet Secretariat has forwarded Cabinet decision on the proposal contained in the Cabinet Note sent on 29.4.2005 regarding extension of term of Justice Mukherjee Commission of Inquiry.

As per the procedure, action taken report is required to be sent to Cabinet Secretariat with reference to the Implementation Schedule attached to the agenda note.

Accordingly, we may inform Cabinet Secretariat as per DFA.

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8 भारत के राजपत्र, असाधारणा, भाग 2, खंड 3, उपखंड हां। में पूज

भारत सरकार गृह मैत्रालय

नई दिल्ली, तारीय मई.200 अधिसूचना

काठ आठ १८० १ की धारा 3 की उपधारा १।१ दारा कृदत्त शिक का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिद्वचना सेठ काठ 339 १८० तारी छ। 14 मई, 1999 का निम्नलिखित और संशोधन कर

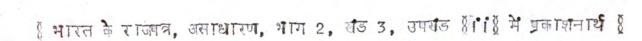
उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अथित :-

" 4. आयोग अपनी रिपोर्ड केंद्रीय सरकार को यथा संभव की प्र अपश्चार किन्तु 14 नवम्बर, 2003 के <del>बाद नहीं</del> प्रस्तुत करेगा।"

> हराकेण हैं संयुक्त सचिव, १९१२ ने ने ने जिल् पाठसैठ ४/ १ । १०३४/ १८/१८ ने जाई • एस •

> > हडी - ।।।ह ह

टिप्पा :- आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राज्यह भे तं० का० आ० 339 %अ है तारीय 14-5-1999 हारा वृक्षित हुई थी और तत्यक्चात इसे निम्नलिखित हारा संशोधित किया गया था 1



भारत सरकार गृह मंत्रालय

अधिसूचना

नामेर्ड

नई दिल्ली, ( मई, 2003

का. आ. (अ).—केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 §1952 का 60 § की धारा 3 की उपधारा §। § बरा प्रदत्त शिक्तयों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं•का•अ•339 §अ § तारील 14 मई,1999 का निम्निलिस्त और संशोधन करती है,अर्थात:-

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा,

"4 - आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14 नवम्बर

200 है लक प्रस्तुत करेगा ।"

[फा. सं. VI/11034/18/98-आई. एस. (डी.-III)]

रावे रे) संगीत नेतल, संयुक्त सचिव

टिप्पण:-

अर्थात:-

आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं• का•आ• 339 ईअ है तारीख 14•5•1999 द्वारा प्रकाशित हुई थी । और तत्पश्चाल् इसे सं•का•आ• 1090 श्रिक्त , तारीख 14•11•1999 द्वारा संशोधित किया गया था ।

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Government of India

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14<sup>th</sup> May,200**2** 

S.O.508(E). – In exercise of the powers conferred by sub-section (1) of Section 3 of the Commission of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14<sup>th</sup> May, 1999, namely:-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14<sup>th</sup> November,2003." \*

(File No.VI/11034/18/98-IS(D.III)

R.K. Sharmar, L.C. Goyal, Jt. Secy. (IS)

Note:-The principal notification appointing the commission was published in the Gazette of India vide notification number S.O. 339(E), dated 14-05-1999 and subsequently amended vide notifications number.

(i) S.O. 1090(E) dated 14.11.1999.

apto 14/5/2000

(ii) S.O.No.462(E) dated 14.5.2000 / upto

upto 14/5/2001

(iii) S.O.No.429(E) dated 14-05-2001 and upto

14/5/2002

(iv) S.O. 508(E) dt. May 14/5/2002

apto 14/5/2003

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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नई दिल्ली, रविवार, मई 14, 2000/वैशाख 24, 1922

NEW DELHI, SUNDAY, MAY 14, 2000/VAISAKHA 24, 1922

tal its report to the Central Government गृह मंत्रालय te 14th May, 2001"

अधिसूचना

नई दिल्ली, मई. 2008

SHANGITA CARROLA, IE SE (अ) - केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 १1952 का 60 १ की धारा 3 की उपधारा 🖇। 🖇 बरा प्रदत्त शक्तियों का प्रयोग करते. हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं•का•अ•339 १अ१ तारील 14 मई,1999 का निम्नलिखित और संशोधन करती है अर्थात:-

कित्रवार्वक वह अध्य उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा,

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Spare of the Gazette of India vide number S.O. 339E "4 • आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा संभव श्रीघ्र किन्तु 14 मई

2001 तक प्रस्तुत करेगा ।"

[फा. सं. VI/11034/18/98-आई. एस. (डी.-III)]

as seen as possible but not

संगीता गैरोला, संयुक्त सचिव

आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं• का•आ• 339 १अ१ तारीख 14•5•1999 दारा प्रकाशित हुई थी । और तत्पश्चाल् इसे सं•का•आ• 1090 १अ१, तारीख 14•11•1999 दारा संशोधित किया गया था।

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1369 GI/2000



# MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 14th May, 2000

S. O. 462 (E).—In exercise of the powers conferred by sub-section (1) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated, the 14th May, 1999, namely:-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th May, 2001".

के किया भूभी जिल्ली

की वारा उ की उपवार्त 👀 वरा महत्त महिल्ली का प्रधान करते. हुए धारत सरकार के गुरू वेत्रसंय की अधित्यम सं-वा-339 विश्व लियेलं 14 वर्ष,1998 का रिप्सलियाल जीत

आवील को नियुक्ता करने वासी मूल अधित्यना भारत के संदाल में लं का अप के के निर्माण प्रति १६० १०११०० वारा प्रमाणन हुई की । और निकाल रहे सं-का- 10909आ, तारील 14-11-1999 दल संशोधन

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क्षा के किया है। इस अब वर्ष अब

[File No. VI/11034/18/98-IS (D. III)] SANGITA GAIROLA, Jt. Secy. ते आ 462(अ) - केवीद सरवार, जांच आयोग आंदानेशाच, 1952 11952 का 868

संबोधन काती है, व्यक्ति:-

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Note: - The principal notification appointing the Commission was published in the Gazette of India vide number S.O. 339(E), dated 14-5-1999 and subsequently amended vide number S.O.1090(E) dated, 14-11-1999

Fax: 0091-033-252-2765

JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata 700 087

Phone:

Office

Chairman - 252-2835 - 252-2767 Secretary

Officer on Special Duty - 252-2765 - 252-2766/68

e-mail: imcinscb@cal.3.vsnl.net.in

No. JMC/Admn./99-2000/32(Vol-II)/560.

Kolkata, dated,27th Feb' 03.

From : Shri P.K. Sengupta,

Secretary

To : Shri L.C. Goyale, Joint Secretary (IS), Ministry of Home Affairs', North Block, Government of India, New Delhi-110001.

> Sub: Extension of the term of the Justice M.K. Mukherjee Commission of Inquiry beyond 14.05.2003.

sir,

I am directed to refer to the Notification No. S.O. 508(E) dated 14.05.2002 of the Ministry of Home Affairs, Government of India, under which the term of Justice M.K. Mukherjee Commission of Inquiry was extended upto 14th May, 2003. The reasons for which the Commission could not take off before December, 1999 were intimated to the Ministry in Commission's letter No. Nil dated 28.09.1999 and the reasons for which the Commission had to seek for extension of its term beyond 14.05.2002 were intimated to the Ministry in Commission's letter No. JMCI/Admn/99-2000/32/623 dated March 21, 2002 and the enclosures thereto. Many of those reasons still persist. The monthly Status Reports and the Status Reports with reference to different dates prepared by the Commission and sent to the Ministry from time to time will also reveal the nature and extent of hurdles from different quarters which the Commission had to face in the past and has been facing presently, affecting the progress of the inquiry of the Commission.

I am further directed to highlight some of the main reasons for which the Commission is not in a position contd...p.2.

# JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata 700 087

-: 2 :-

Fax: 0091-033-252-2765

No. JMCI/

Phone: Chairman

Office

- 252-2835 - 252-2767

Secretary Officer on

Special Duty - 252-2765 - 252-2766/68

e-mail: jmcinscb@cal.3.vsnl.net.in

Kolkata, dated,

to complete its inquiry within 14th May, 2003 upto which the present term of the Commission stands extended :-

- (a) The terms of reference of the Commission are considerably wide and they call for thorough probe into matters which are more than half a century old;
- (b) No counter-affidavits or affidavits-in-opposition could ultimately be filed by the Government of India in respect of the averments/contentions/allegations contained in the affidavits/supplementary affidavits of different deponents filed before the Commission, inspite of its prolonged persuasions.
- (c) The Commission has been persistently asking different Ministries/Departments/Offices of the Government of India for various files/documents/reports, many of which are yet to be received by the Commission.
- (d) The Government of the U.K. is yet to be persuaded successfully by the Government of India to agree to declassify all relevant classified British documents so that the Commission can peruse those documents and can rely upon the relevant ones, if any, for the purpose of its inquiry.
- (e) Notwithstanding the statement made by the then Prime Minister in the Lok Sabha on 28.08.1978 regarding availability of "further contemporary official documentary records", no such records could be traced out by the Government of India so far inspite of prolonged persuasion by the Commission with them.
- (f) By Commission's letter No. 513 dated 07.02.2001 the Ministry of External Affairs was requested to obtain the present address of each of the witnesses examined before Shah Nawaz Khan Committee and Justice Khosla Commission who are still living in Japan to enable the Commission to prepare a programme for examination of all the available

contd... p.3.

#### JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata 700 087

Phone: - 252-2835 Chairman - 252-2767 Secretary

Officer on Special Duty - 252-2765 -- 252-2766/68 Office

e-mail: imcinscb@cal.3.vsnl.net.in

Fax: 0091-033-252-2765

No. JMCI/

-: 3: -

Kolkata, dated.

witnesses in Japan. After prolonged correspondences with the Ministry of External Affairs and the Indian Embassy in Japan to sort out various relevant issues, the programme for visit of the Commission to Japan could be materialised not earlier than September, 2002.

(g) Some of the deponents before the Commission have in their affidavits and/or sworn testimonies asserted that documents containing clinching evidence relating to the points of the inquiry of the Commission are in the possession and/or under the control of different foreign Governments. Accordingly, the Hon'ble Minister of External Affairs was requested to take up the matter with the Governments of the U.K., the U.S.A., Japan, Taiwan, Russia, etc. (vide enclosed copy of Hon'ble Chairman's d.o. letter No. 267 dated 21.08.2001) addressed to the then Hon'ble Minister who in his d.o. reply dated 26.09.2001 (copy enclosed) stated inter alia:

"The points raised in your letter under reference have been taken up with our Missions in the countries concerned. We would keep the Commission informed about outcome of their efforts in this regard."

As thereafter positive response was received only to the extent that some Russian documents were sent through the Ministry of External Affairs and that the visit of the Commission to Japan had materialised, the Hon'ble Chairman met the Hon'ble Minister of External Affairs on 28.10.2002 in New Delhi to expedite the long pending matters and, apropos the said meeting, the Ministry of External Affairs was requested, inter alia, in Commission's letter No. 398 dated November 11, 2002 to kindly pursue with the Government of the U.K. closely to get declassified all relevant classified British documents relating to Netaji Subhas Chandra Bose and/or I.N.A. which are in the possession and/or under the control

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-:4:-

Kolkata, dated,

of the Government of the U.K. as also to persuade the Governments of the U.K., the Russian Federation, all other States which are now sovereign but previously within the erstwhile USSR, Japan, Thailand, Malayasia, Singapore, Vietnam, Taiwan, Germany, Ireland, etc. to make available or accessible to the Commission at their earliest convenience, all documents classified/declassified/unclassified containing the evidence/materials relating to and/or having relevance to the points of the inquiry of the Commission, which are in the possession and/or under the control of the aforesaid Governments and/or in the various archives of those countries. In response, we have received on 10.02.2003 a list of archives in Kazakhstan and the name, address, etc. of one archive in Kyrgyzstan and have also received on 24.02.03 lists of archives of Turkmenistan, Ukraine and Armenia as also the name and telephone No. of one archive in Georgia but the same do not indicate which of those archives are likely to have information on Netaji Subhas Chandra Bose/INA as requested in Commission's letter No. 415 dated November 15, 2002 addressed to the Ministry of External Affairs, Government of India. Appropriate steps will have to be taken by the Commission for its visit to those foreign countries where relevant records/witnesses would be reported to it by the Ministry of External Affairs, to be available in those foreign countries.

- (h) Endeavour is being continued to be made to obtain authenticated copies of relevant files/documents/records from different Ministries/Departments/Offices of the Government of India which are reported by them to be destroyed or missing.
- (i) 76 records/files which are admitted by the Intelligence Bureau, Government of India to be available with them could not be perused by Shri P.N. Chakravarty, Senior Research Officer of the Commission when he visited the Intelligence Bureau, New Delhi as per programme in the second contd...p..5.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
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No. JMCI/

-:5:-

Kolkata, dated,

half of February, 2003 with prior intimation to the Intelligence Bureau, Government of India. He was told by them that the Micro-film system of the I.B. got damaged; that shifting of the office records of the I.B. to the new site of their office was in progress and that it would take considerable time by the I.B. to make those records available for inspection on behalf of the Commission.

- (j) It has been taking considerable time to collect more specimens of verified handwritings of Netaji Subhas Chandra Bose, preferably those which originated during the period from 1940 to 1945 and get those handwritings compared/verified with the questioned handwritings allegedly of Netaji Subhas Chandra Bose, by three eminent handwriting experts, consecutively and independently.
- (k) It has also been taking considerable time to collect the particulars of the eligible living persons on the paternal lineage and maternal lineage of Netaji Subhas Chandra Bose, to obtain their consent to donate their respective blood samples for the purpose of D.N.A. tests thereof, to get expert's opinion regarding feasibility of D.N.A. test of the alleged mortal remains of Netaji Subhas Chandra Bose lying in the Renkoji Temple of Japan as also to arrange for D.N.A. tests of some specimens collected from Faizabad Treasury to establish the identity of the subject to whom those specimens belong.
- (1) Voluminous documents/printed matters/handwritten matters in different languages have been and are being referred to/received by the Commission which call for their scrutiny on proper translation thereof into English wherever necessary. After protracted persuasion with the Ministry of Home Affairs as also with the Ministry of Law, Justice and C.A., the hurdles faced by the Commission in filling up the relevant posts could be removed and two Senior Research Officers and one Senior Hindi Translator could ultimately contd...p..6.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
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No. JMCI/

- : 6 : -

Kolkata, dated,

Office

be engaged by the Commission as its employees. But in the meantime 33 to 36 months elapsed since the setting up of the Commission on 14.05.1999. Consequently, the backlog of the said task of scrutiny/translation still remains quite voluminous.

(m) The Commission has already held its sittings and examined witnesses at different places in India. It is also required to hold its sittings in future at various other places of India where the witnesses of Shah Nawaz Khan Committee and Khosla Commission are still available for being examined by this Commission as also at the places where individuals, group of persons, associations, institutions and organisations acquainted with or having knowledge, directly or indirectly, of the facts and circumstances, or having documents relating to the matters referred to the Commission for inquiry, have expressed and will be expressing their willingness to be examined by the Commission.

In view of the facts and circumstances stated above, I am directed to request you to kindly take necessary steps for extension of the term of the Justice M.K. Mukherjee Commission of Inquiry for a further period of atleast one year beyond 14th May, 2003.

This may kindly be treated as urgent. Necessary

Government Notifications extending the term of the Commission

for a further period of one year with effect from 15.05.2003

may kindly be communicated at an early date so that the work

of the Commission may continue without any break or

interruption.

Enclosures: As stated above.

Yours faithfully,

(P. K. Sengupta) Secretary (To be published in the Gazette of India, Extraordinary Part-II, Section 3, Sub-section (ii) of dated 14.5.03)



# GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi, dt.14.5.03

#### **NOTIFICATION**

S.O...... (E). – In exercise of the powers conferred by subsection (1) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14<sup>th</sup> May, 1999, namely:-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14<sup>th</sup> November, 2003".

(RAKESH) Jt. Secy.(S)

(File No.VI/11034/18/98-IS(D.III)

Note:-The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339(E), dated 14-05-1999 and subsequently amended vide

- (i) S.O. 1090(E) dated 14.11.1999;
- (ii) S.O.No.462(E) dated 14.5.2000;
- (iii) S.O.No.429(E) dated 14-05-2001; and
- (iv) S.O. 508(E) dt. May 14/5/2002.



भारत सरकार गृह मंत्रालय

नई दिल्ली, तारीख मई, 2003

# अधिसूचना

का0 आ0 (अ) केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं0 का0 आ0 339 (अ) तारीख 14 मई, 1999 का निम्निलखित और संशोधन करती है, अर्थात:-

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

"4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14 नवम्बर, 2003 के अपश्चात प्रस्तुत करेगा।"

राकेश)

संयुक्त सचिव, भारत सरकार फा0 सं0 VI/11034/18/98-आई0एस0 (डी0-III)

टिप्पणः - आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं. का0 आ0 339 (अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई थी और तत्पश्चात इसे निम्नलिखित द्वारा संशोधित किया गया थाः -

(i) का0आ0 1090 (अ) दिनांक 14.11.1999; (ii) का0 आ0 462 (अ) दिनांक 14.5.2000; (iii) का0 आ0 429 (अ) दिनांक 14.5.2001; और (iv) का0 आ0 508 (अ) दिनांक 14.5.2002

#### **MOST IMMEDIATE**

## No. VI/11034/18/98-IS (D.III) Government of India Ministry of Home Affairs IS-I Division

New Delhi, the 12th May, 2003

To

The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi.

Sub: Extension of the term of Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netaji Subhash Chander Bose – publication of Notification – regarding

Sir,

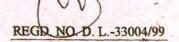
Enclosed please find a copy of a notification (both in Hindi and English) to be published in Part II, Section 3, Sub Section (ii) of the Gazette of India, Extraordinary dated 14.5.2003. It is requested that this notification may be published on 14.5.2003 and 50 copies thereof provided to this Ministry urgently for further necessary action.

2. it is also requested that S.O. No. allotted to this notification may be intimated to the undersigned urgently.

Yours faithfully,

(M.S. ZUHA) Desk Officer

Veceiv 12/5/03 13426/1/2003



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असाधारण EXTRAORDINARY

भाग II — खण्ड 3 — उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii) प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

H. 443] No. 443] नई दिल्ली, बुधवार, मई 14, 2003/वैशाख 24, 1925 NEW DELHI, WEDNESDAY, MAY 14, 2003/VAISAKHA 24, 1925

# गृह मंत्रालय

#### अधिसूचना

नई दिल्ली, 14 मई, 2003

का.आ. 546(अ).—केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 339(अ) तारीख 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थात् :— उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

"4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14 नवम्बर, 2003 के अपश्चात् प्रस्तुत करेगा।"

[फा. सं. VI/11034/18/98-आई. एस. (डी-III)]

राकेश, संयुक्त सचिव (एस)

टिप्पण: — आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं. का.आ. 339(अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई थी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था :—

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- (iv) का.आ. 508(अ) दिनांक 14-5-2002

## MINISTRY OF HOME AFFAIRS

#### NOTIFICATION .

New Delhi, the 14th May, 2003

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In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th November, 2003".

[F. No. VI/11034/18/98-IS (D.III]

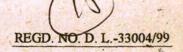
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# MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 14th May, 2003

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[F. No. VI/11034/18/98-IS (D.III]

RAKESH, Jt. Secy. (S)

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प्रथम प्रति

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लोटाए जाने की प्रार्थना है।  Prompt return of 2nd portion of this Voucher duly signed within 7 days in token of acknowledgment is requested.  MGIPRRND—25 GIPRR/87—Sec. II—I6-9-87—1000 Books.

# (17)

## VI/11034/18/98-IS-V Vol.III Government of India Ministry of Home Affairs NCB Section

Dated: 23rd May, 2003

To

Shri P.K. Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, B Block, 3<sup>rd</sup> Floor, 11/A, Mirza Ghalib Street, Kolkata-700 087

Sub: Extension of the term of the JMCI beyond 14.5.2003

Sir,

I am directed to refer to your letter No. JMCI/Admn/99-2000/32 (Vol.II)/560 dated 27.2.2003 on the subject noted above and to say that the terms of Justice Mukherjee Commission of Inquiry has been extended upto 14.11.2003 and notification has been published in the Gazette of India Extraordinary vide SO No.546(E) dated 14.5.2003. A copy of notification is enclosed herewith. The Commission is requested to complete its report and submit the same by 14.11.2003.

please 98800.

जारी किया
ISSUED
26
Real Brillians Market Straight / Initials
प्रा० तथा प्रे०/R & I

Yours faithfully,

(U.K. KALRA) Director (S)



P-5/C

# BY REGISTERED POST WITH A/D.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata 700 087

Phone:

- 252-2835 Chairman - 252-2767 Secretary

Officer on

Special Duty - 252-2765 - 252-2766/68 Office

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No. JMCI/ Admn/99-2000/32(II)/251.

Kolkata, dated, 09.09.2003.

From : Shri P.K. Sengupta,

Secretary

To : Shri Rakesh,

Joint Secretary,

Ministry of Home Affairs,

Government of India, North Block,

New Delhi-110001.

Sub : Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.11,2003.

Sir,

I am directed to refer to the Commission's letter No.JMCI/Admn/99-2000/32(Vol.II)/560 dated February 27. 2003 addressed to the Ministry of Home Affairs, Government of India, soliciting further extension of the term of Justice M.K. Mukherjee Commission of Inquiry for one year beyond May 14, 2003 for reasons explained and referred to therein as also referato the letter No.VI/11034/18/98-IS-V. Vol.III dated May 23, 2003 and the Notification No.S.O.546(E) dated May 14, 2003 both of the Ministry of Home Affairs, Government of India, intimating that the term of the Commission has been extended for a further period beyond May 14, 2003 but not later than November 14, 2003.

I am directed to state that the Commission is not in a position to complete its inquiry within November 14, 2003 as most of the reasons for earlier extensions still subsist and the problems and the difficulties faced by the Commission as explained in earlier proposal for extension of its terms remain substantially unresolved. I am further directed to say that the Commission is going to hold its 24th sitting on September 16, 2003 in Kolkata when seven witnesses are likely to be examined; that the Commission

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JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor)

Chairman - 2252-2835 Secretary - 2252-2767 Officer on Special Duty - 2252-2765

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No. JMCI/

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Kolkata, dated,

has already examined/re-examined on recall 107 witnesses; that many of the sittings of the Commission continued for two days or more; that the present whereabouts of all the relevant witnesses examined earlier outside India as also of those mentioned anew, reportedly living abroad, are yet to be collected by/furnished to the Commission and the reports regarding availability/non-availability of the relevant documents are yet to be obtained/collected from most of the foreign countries concerned by the Ministry of External Affairs, Government of India, to make them available to the Commission, on receipt of which the Commission might be required to draw up programmes for its visit to the relevant foreign countries including Taiwan for examination of witnesses and documents available there and also for inspection of important relevant sites; that the programme for visit to Taiwan had to be ultimately delinked from the composite tour programme of the Commission for visit to Japan and Taiwan in view of the facts and circumstances stated in their d.o. letter No.25/4/NGO-Vol.VIII dated August 19, 2002 addressed to the Joint Secretary (IS). Ministry of Home Affairs, Government of India, and the Commission's d.o. letter No.JMCI/Overseas-Witnesses/ 2000-01/70/274 dated August 24, 2002 addressed to the Joint Secretary (IS), Ministry of Home Affairs, Government of India, with a copy to the Joint Secretary (CNV), Ministry of External Affairs, Government of India, (vide xerox copies of both the d.o. letters enclosed);/that reasonable opportunity is to be given to the deponents to peruse and/or to get copies of the documents including copies of further documents as and when available to the Commission to enable, to cross-examine the witnesses concerned as also to make their arguments before the Commission and that inquiry of the Commission being

JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor)

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No. JMCI/

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Kolkata, dated,

inquisitorial and not adversarial in nature, it is duty bound to pursue various relevant matters persistently as also to try diligently to collect all relevant documents and to locate all relevant witnesses available within or outside India even though such efforts are, more often than not, very much time-consuming and the results thereof are unpredictable.

As already indicated, most of the other hurdles mentioned/referred to in the Commission's aforesaid letter No.560 dated February 27, 2003 (xerox copy enclosed) are still being faced by the Commission and most of the other reasons for extension of the term of the Commission as stated/referred to in the aforesaid letter dated February 27, 2003 of the Commission still hold good.

In this connection, I am further directed to refer to the Commission's letter No.JMCI/EO/2002-2003/83/14 dated April 10, 2003 sent to the Secretary, Ministry of Home Affairs, Government of India, by Speed Post (xerox copy enclosed), the response of the Ministry of Home Affairs given in their letter No.I/12014/13/2002-IS-V(NCB) Vol.IV dated August 13, 2003 sent to the Commission by FAX (xerox copy enclosed), both to be read with the Hon'ble Chairman's d.o. letter dated September 16, 2002 addressed to the Ambassador of India in Japan (xerox copy enclosed), and to state that there has been no breakthrough as yet in such a vital matter as DNA testing of the alleged mortal remains of Netaji Subhas Chandra Bose allegedly kept in Renkoji temple in Japan notwithstanding close persuasion of the matter by the Commission with the Ministry of Home Affairs and the Ministry of External Affairs, Government of India as also with the Embassy of India in Japan, and direct approach by the Commission to various organisations in India

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## JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata 700 087

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No. JMCI/

Kolkata, dated,

and abroad having expertise in DNA testing besides the elaboration by the Commission to the Ministry of Home Affairs, Government of India, of various sociopolitical ramifications of the issue of handling the said mortal remains and taking samples thereof for the purpose of holding various scienfific tests including anthropological evaluation and DNA testing.

In view of the facts and circumstances stated hereinbefore as also those stated and referred to in the Commission's aforesaid letter dated February 27, 2003, I am directed to request you to kindly take necessary steps for extension of the term of Justice M.K. Mukherjee Commission of Inquiry for a further period of atleast one year beyond November 14, 2003 so that the Government Notification extending the term of the Commission for a further period of one year w.e.f. November 15, 2003 is communicated to the Commission at an early date to enable the Commission to continue its work without any break or interruption and to draw up its various programmes in advance to ensure maximum utilisation of its extended tenure.

This may kindly be treated as most urgent.

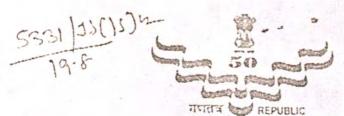
Yours faithfully.

(P. K. Sengupta)

Secretary

Encl : As stated above.





विदेश मंत्रालय, नई दिल्ली MINISTRY OF EXTERNAL ALFAIRS NEW DELHI

Vijay Gokhale Joint Secretary (CNV) Tel. 301 1357

CONFIDENTIAL

No.25/4/NGO-Vol.VIII

19 August 2002

Dear Shei Jain.

Please refer to letters No.JMCI/Overseas Witnesses/2000-01/17/245 dated 6 August 2002, No.JMCI/Overseas Witnesses/2000-01/17/255 dated 12 August 2002 and No.JMCI/Overseas Witnesses/2000-01/17/265 dated 16 August 2002 from Shri P.K. Sengupta, Secretary, JMCI regarding the visit of the Commission to Japan and Taiwan. You would have also received my D.O. No.25/4/NGO-Vol.VIII dated 9 August 2002.

- Our Embassy in Tokyo will be making the necessary arrangements in accordance with the tentative programme sent earlier, as per which the Commission intends to be in Tokyo from 13 September until 19 September 2002. We are awaiting their confirmation about the arrangements, and will revert once that is received. In case there any changes in the scheduled dates, these may be intimated to us as early as possible.
- 3. With reference to the Commission's proposed visit to Taiwan, you would be aware that the Government of India does not recognize the so-called Republic of China or Taiwan, and therefore has no diplomatic or official relations with Taiwan. In view of this, this Ministry is limited in its ability to facilitate any visit by the Commission to Taiwan. Moreover, under extant guidelines holders of diplomatic and official passports are not permitted to travel to Taiwan. Accordingly if Hon'ble Justice Mukherjee and Shri P.K. Sengupta intend to travel to Taiwan, it will have to be on ordinary passports. While this Ministry can facilitate the issue of limited validity ordinary passports for this purpose, it will be difficult to combine a visit to Japan and Taiwan unless the visit to Japan also is undertaken by the Commission on ordinary passports.
- 4. This Ministry will assist the Commission in making logistics arrangements in Taipei. However, it will not be in a position to make any payments on behalf of the Commission in Taipei. Payment for all services in Taipei, including hotel accommodation and transportation, will need to be made directly by the Commission itself. Approximate expenditure in



Taipei on the basis of requirements projected by the Commission is annexed.

- 5. This Ministry will also assist the Commission in obtaining the necessary "visa" for Taiwan. The "visa" will be affixed on the ordinary passports which will need to be made in Kolkata.
- 6. Despite the Ministry's best efforts, so far no living witness has been located in Taiwan. The Ministry has no information whether the site of the alleged plane crash and other sites associated with Netaji Subhas Chandra Bose are accessible. It would be advisable if the Commission could provide a list of likely sites that they intend to visit to enable this Ministry to first ascertain whether these sites still exist in their original form and whether these will be accessible to the Commission.
- 7. The Home Ministry may like to advise the Commission appropriately in the light of the above, including on the advisability of combining the visits to Japan and Taipei. It would be advisable if the Commission could be requested to send this Ministry more details of its programme and site visits in Taipei, so that these can first be checked out, before a final decision is taken on the timing and duration of the Commission's visit to Taiwan.

Yours sincerely,

Afflohiale (Vijay Gokhale)

Shri Akhil Jain Joint Secretary (IS) Ministry of Home Affairs Room No. 193 A-1 North Block New Dolhi

-186 - (3

Pradyot Kumar Sengupta, (Former Principal Secretary to the Government of West Bengal, Judicial Department) Secretary

Justice Mukherjee Commission of Inquiry
For inquiry into the alleged disappearance of
Netaji Subhas Chandra Bose, Appointed by the Govt. of
India, Ministry of Home Affairs

B' Block (3<sup>rd</sup> floor), 11/A Mirza Ghalib Street, Kolkata-700087

D.O. No. JMCI/Overseas-Witness/2000-01/70/ 274

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August 21, 2002

Dear

grefale

I am to request you to refer to the d.o. letter no. 25/4/NGO-Vol.VIII dated 19.08.2002 of Shri Vijay Gokhle, Joint Secretary (CNV), Ministry of External Affairs, addressed to you, a copy of which has been received today at this end by FAX alongwith a forwarding letter from Shri M. S. Zuha, Desk Officer.

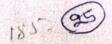
I am to inform you that, considering the time that may be consumed in getting the details relating to Taiwan, the Commission thinks that it will be prudent to de-link the visit to Taiwan from Japan. Replies to the queries raised in the above-quoted d.o. letter are being sent separately.

I am directed to say that in view of the queries raised in the abovequoted d.o. letter and the time that may be consumed in getting the details relating to Taiwan, the Commission has decided to de-link Taipei and stick to its programme of Japan only. Depending on the replies to the queries regarding details relating to Taiwan from the Ministry of External Affairs, The Commission will consider the question of visiting Taiwan and making a programme for such visit.

I am further to say that the Commission's programme of visiting to Tokyo remains unchanged and the expected date of departure of the Commission from the Tokyo for India by air is 18.09.2002 (Wednesday). Letter giving details and a copy of the revised programme are being sent shortly.

The Ministry of External Affairs may be informed accordingly.

Yours



(P.K. Sengupta)

To Shri A. K. Jain, Joint Secretary (IS), Ministry of Home Affairs, Government of India, North Block, New Delhi-110001.

D.O. No. JMCI/Overseas-Witness/2000-01/70/ 274/1

August 21, 2002

Copy forwarded to: Shri Vijay Gokhle, Joint Secretary (CNV), Ministry of External Affairs, Government of India,

New Delhi-110001 - for information and necessary action in reference to his d.o. letter no. 25/4/NGO-Vol.VIII dated 19.08.2002 to Akhil Jain, Joint Secretary (IS), Ministry of Home Affairs, Government of India, North Block, New Delhi-110001.

(P.K. Sengupta)



JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
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No. JMCI/Admn./99-2000/32(Vol-II)/560.

Kolkata, dated.27th Feb' 03.

From : Shri P.K. Sengupta, Secretary 59/8/2

Joint Secretary (IS).

Ministry of Home Affairs.

North Block.

Government of India.

New Delhi-110001.

Sub: Extension of the term of the Justice M.K. Mukherjee Commission of Inquiry beyond 14.05.2003.

Sir,

I am directed to refer to the Notification No. S.O. 508(E) dated 14.05.2002 of the Ministry of Home Affairs, Government of India, under which the term of Justice M.K. Mukherjee Commission of Inquiry was extended upto 14th May, 2003. The reasons for which the Commission could not take off before December, 1999 were intimated to the Ministry in Commission's letter No. Nil dated 28.09.1999 and the reasons for which the Commission had to seek for extension of its term beyond 14.05.2002 were intimated to the Ministry in Commission's letter No. JMCI/Admn/99-2000/32/623 dated March 21, 2002 and theenclosures thereto. Many of those reasons still persist. The monthly Status Reports and the Status Reports with reference to different dates prepared by the Commission and sent to the Ministry from time to time will also reveal the nature and extent of hurdles from different quarters which the Commission had to face in the past and has been facing presently, affecting the progress of the inquiry of the Commission.

I am further directed to highlight some of the main reasons for which the Commission is not in a position contd...p.2,

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No. JMCI/

Kolkata, dated,

to complete its inquiry within 14th May, 2003 upto which the present term of the Commission stands extended:-

- (a) The terms of reference of the Commission are considerably wide and they call for thorough probe into matters which are more than half a century old;
- (b) No counter-affidavits or affidavits-in-opposition could ultimately be filed by the Government of India in respect of the averments/contentions/allegations contained in the affidavits/supplementary affidavits of different deponents filed before the Commission, inspite of its prolonged persuasions.
- (c) TheCommission has been persistently asking different Ministries/Departments/Offices of the Government of India for various files/documents/reports, many of which are yet to be received by the Commission.
- (d) The Government of the U.K. is yet to be persuaded successfully by the Government of India to agree to declassify all relevant classified British documents so that the Commission can peruse those documents and can rely upon the relevant ones, if any, for the purpose of its inquiry.
- (e) Notwithstanding the statement made by the then Prime Minister in the Lok Sabha on 28.08.1978 regarding availability of "further contemporary official documentary records", no such records could be traced out by the Government of India so far inspite of prolonged persuasion by the Commission with them.
- (f) By Commission's letter No. 513 dated 07.02.2001 the Ministry of External Affairs was requested to obtain the present address of each of the titnesses examined before Shah Nawaz Khan Committee and Justice Khosla Commission who are still living in Japan to enable the Commission to prepare a programme for examination of all the available

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JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
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No. JMCI/

Kolkata, dated,

witnesses in Japan. After prolonged correspondences with the Ministry of External Affairs and the Indian Embassy in Japan to sort out various relevant issues, the programme for visit of the Commission to Japan could be materialised not earlier than September, 2002.

in their affidavits and/or sworn testimonies asserted that documents containing clinching evidence relating to the points of the inquiry of the Commission are in the possession and/or under the control of different foreign Governments. Accordingly, the Hon'ble Minister of External Affairs was requested to take up the matter with the Governments of the U.K., the U.S.A., Japan, Taiwan, Russia, etc. (vide enclosed copy of Hon'ble Chairman's d.o. letter No. 267 dated 21.08.2001) addressed to the then Hon'ble Minister who in his d.o. reply dated 26.09.2001 (copy enclosed) stated inter alias

"The points raised in your letter under reference have been taken up with our Missions in the countries concerned. We would keep the Commission informed about outcome of their efforts in this regard."

As thereafter, positive response was received only to the extent that some Russian documents were sent through the Ministry of External Affairs and that the visit of the Commission to Japan had materialised, the Hon'ble Chairman met the Hon'ble Minister of External Affairs on 28.10.2002 in New Delhi to expedite the long pending matters and, apropos the said meeting, the Ministry of External Affairs was requested, inter alia, in Commission's letter No. 398 dated November 11, 2002 to kindly pursue with the Government of the U.K. closely to get declassified all relevant classified British documents relating to Netaji Subhas Chandra Bose and/or I.N.A. which are in the possession and/or under the control

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
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No. JMCI/

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Kolkata, dated,

of the Government of the U.K. as also to persuade the Governments of the U.K., the Russian Federation, all other States which are now sovereign but previously within the erstwhile USSR, Japan, Thailand, Malayasia, Singapore, Vietnam, Taiwan, Germany, Ireland, etc. to make available or accessible to the Commission at their earliest convenience, all documents classified/declassified/unclassified containing the evidence/materials relating to and/or having relevance to the points of the inquiry of the Commission, which are in the possession and/or under the control of the aforesaid Governments and/or in the various archives of those countries. In response, we have received on 10.02.2003 a list of archives in Kazakhstan and the name, address, etc. of one archive in Kyrgyzstan and have also received on 24.02.03 lists of archives of Turkmenistan, Ukraine and Armenia as also the name and telephone No. of one archive in Georgia but the same do not indicate which of those archives are likely to have information on Netaji Subhas Chandra Bose/INA as requested in Commission's letter No. 415 dated November 15. 2002 addressed to the Ministry of External Affairs, Government of India. Appropriate steps will have to be taken by the Commission for its visit to those foreign countries where relevant records/witnesses would be reported to it by the Ministry of External Affairs, to be available in those foreign countries.

- (h) Endeavour is being continued to be made to obtain authenticated copies of relevant files/documents/records from different Ministries/Departments/Offices of the Government of India which are reported by them to be destroyed or missing.
- (i) 76 records/files which are admitted by the Intelligence Bureau, Government of India to be available with them could not be perused by Shri P.N. Chakravarty, Senior Research Officer of the Commission when he visited the Intelligence Bureau, New Delhi as per programme in the second

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JUSTICE MUKHERJEE COMMISSION OF INQUIRY
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No. JMCI/

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Kolkata, dated,

half of February, 2003 with prior intimation to the Intelligence Bureau, Government of India. He was told by them that the Micro-film system of the I.B. got damaged, that shifting of the office records of the I.B. to the new site of their office was in progress and that it would take considerable time by the I.B. to make those records available for inspection on behalf of the Commission.

- (j) It has been taking considerable time to collect more specimens of verified handwritings of Netaji Subhas Chandra Bose, preferably those which originated during the period from 1940 to 1945 and get those handwritings compared/verifie with the questioned handwritings allegedly of Netaji Subhas Chandra Bose, by three eminent handwriting experts, consecutively and independently.
- (k) It has also been taking considerable time to collect the particulars of the eligible living persons on the paternal lineage and maternal lineage of Netaji Subhas Chandra Bose, to obtain their consent to donate their respective blood samples for the purpose of D.N.A. tests thereof, to get expert's opinion regarding feasibility of D.N. test of the alleged mortal remains of Netaji Subhas Chandra Bose lying in the Renkoji Temple of Japan as also to arrange for D.N.A. tests of some specimens collected from Faizabad Treasury to establish the identity of the subject to whom those specimens belong.
- (1) Voluminous documents/printed matters/handwritten matters in different languages have been and are being referred to/received by the Commission which call for their scrutiny on proper translation thereof into English wherever necessary. After protracted persuasion with the Ministry of Home Affairs as also with the Ministry of Law, Justice and C.A., the hurdles faced by the Commission in filling up the relevant posts could be removed and two Senior Research Officers and one Senior Hindi Translator could ultimately contd...p..6.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
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No. JMCI/

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Kolkata, dated,

be engaged by the Commission as its employees. But in the meantime 33 to 36 months elapsed since the setting up of the Commission on 14.05.1999. Consequently, the backlog of the said task of scrutiny/translation still remains quite voluminous.

(m) The Commission has already held its sittings and examined witnesses at different places in India. It is also required to hold its sittings in future at various other places of India where the witnesses of Shah Nawaz Khan Committee and Khosla Commission are still available for being examined by this Commission as also at the places where individuals, group of persons, associations, institutions and organisations acquainted with or having knowledge, directly or indirectly, of the facts and circumstances, or having documents relating to the matters referred to the Commission for inquiry, have expressed and will be expressing their willingness to be examined by the Commission.

In view of the facts and circumstances stated above,
I am directed to request you to kindly take necessary steps
for extension of the term of the Justice M.K. Mukherjee
Commission of Inquiry for a further period of atleast one
year beyond 14th May, 2003.

This may kindly be treated as urgent. Necessary

Government Notifications extending the term of the Commission

for a further period of one year with effect from 15.05.2003

may kindly be communicated at an early date so that the work

of the Commission may continue without any break or

interruption.

Enclosures: As stated above.

Yours faithfully,

(P. K. Sengupta) Secretary



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of Netaji Subash Chandra Bose
A1/A, Mirza Ghalib Street
Kolkata 700 097
Camp: Tokyo, Japan

Mr. Justice M.K. Mukherjee Chairman

CONFIDENTIAL

September 16, 2002

Respected Afiab Sethji.

In connection with above Enquiry, I visited the Renkoji Temple this morning and interacted with various dignitaries who are interested in the cause of Netaji. After the interaction, we saw the urn, allegedly containing the ashes of Netaji, which has been kept in a glass chamber. When we wanted to see the ashes to ascertain whether there is any bone for the purpose of DNA test, if possible, we were told by the Reverend Chief Minister of the Temple that without a competent mechanic, it is not possible to open the glass chamber and to open the same. He, however, assured us that if earlier notice was given, he will arrange to have the glass chamber and the urn opened.

May I, therefore, request you to depute a competent representative of the Embassy to inspect the ashes to find out whether there is any bone in it, with prior formal notice to Reverend Chief Minister well ahead in time? The Report of the deputed representative may be forwarded in my personal name and at the address given above in a confidential scaled cover.

Thanking you.

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Yours sincerely,

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(Justice M.K. Mukherjee)

H.F. Shri Attab Seth Ambas calor of India in Japan 2-2-14, Kudan Minarai, Chiyodasku, Lokyo 105 1011-1111-2252-2765

# JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR MOURY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBMAS CHANDRA BOSE.

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No. JMCI/EO/2002-2003/83/14

From: Shri P.K. Sengupta, Secretary,

To

The Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi-110001

30671702 2April 10, 2003 11/40 By Speed Post W. J. A/D

Sub: Feasibility of the proposed DNA Test on the alleged mortal remains of Netaji Subhas Chandra Bose, kept in the Renkoji temple in Japan, for establishing real identity of the deceased.

Ref D.O. letter no. 25/4/NGO-Vol.IX dated March 26, 2003 addressed to the undersigned by Shri Vijay Gokhale, Joint Secretary (CNV), Ministry of External Affairs, Govt. of India.

Sil

I am directed to invite your attention to the above-quoted d.o. letter dated March 26, 2003 (copy enclosed) and also the letters noted below (copies enclosed) which are self-speaking and will enable you to appreciate the backdrop of the former.

- (1. Report dated 12/18.11.2002 of Shri C. Rajsekhar, First Secretary, and Mr. T. Armstrung Changsan, Second Secretary, Embassy of India, Japan.
- D.O. letter no. JMCI/EO/2002-2003/23/83/443 dated 05.12.2002 addressed to Dr. Lalji Singh, Director, Centre for Cellular and Molecular Biology (CCMB), Hyderabad.
- D.O. letter no. JMCI/EO/2002-2003/83/444 dated 05.12.2002 addressed to Dr. S. E. Hasnain, Director, Centre for DNA Fingerprinting and Diagnostics.

D.O. letter no. DCCMB/34 dated 10.12.2003, in reply to the Sl. No. 2 above, from Dr. Lalji Singh, Director, CCMB, Hyderabad.

5 Letter no JMCI/EO 2002-2003/83/469 dated 17.12.2002 addressed to Prof. Dr. Svanto Paabo, Director, Department of Genetics, Max Planck Institute for Evolutionary Anthropology, Inselstrasse 22, D-

- Letter no. JMCI/EO/2002-2003/83/468 dated 17.12.2002 addressed to Mr. T. Armstrang Changsan, Second Secretary, Embassy of India in Japan, in reference to the report dated. 12/18.11.2002 of the joint inspection of the contents of the casket allegedly containing the alleged mortal remains of Netaji Subhas Chandra Bose made by him and Shri C. Rajsekhar (Sl. No. 1 at page 1).
- Letter no. JMCI/EO/2002-2003/83/481 dated 26.12.2002 addressed to Shri Aseem Maharajan, Second Secretary, Embassy of India in Japan.
- Fax message dated 27.12.2002 from Shri Biren Nanda, Charge d' Affairs, Embassy of India in Japan, in reference to the Commission's letter dated 26.12.2002 sent by Fax (Sl. No. 7 at page 1).
- 9. Fax message dated 30.12.2002 to Shri Biren Nanda, Charge d' Affairs, Embassy of India in Japan, in reply to his Fax dated 27.12.2002 (Sl.No. 8 at page 1).
- 10. Letter dated 07.01.2003 from Mr. Svante Paabo, Director, Department of Genetics, Max Planck Institute for Evolutionary Anthropology, Inselstrasse 22, D-04103, Leipzig, Germany in reply to (Sl. No. 5 at page 1).
- 11. Letter by e-mail to Mr. Terry Milton, Mitotyping Technologies, USA.
- Letter by e-mail to Professor Sir Alec J. Jeffreys, Department of Genetics, University of Leicester, University Road, Leicester, UK.
- 13. Letter by e-mail dated from Mr. Terry Milton in reply to Sl. No. 11 above.
- 14. Reply to Sl. No. 12 above by e-mail dated 22.01.2003 from Professor Sir Alec J. Jeffreys.
- 15. Letter no. JMCI/EO/2002-2003/83/520 dated 27.01.2003 to the Secretary, Ministry of External Affairs, Govt. of India.
- 16. Fax dated 11.03.2003 to Shri Biren Nanda, Charge d' Affairs, Embassy of India in Japan, as a reminder.
- 17. Letter no. EO/2002-2003/83/590 dated 13.03.2003 addressed to the Secretary, Ministry of External Affairs, Govt. of India.
- 18. Fax message from Shri Biren Nanda in reference to the Commission's Fax dated 11.03.2003 at Sl. No. 16 above)



The enclosed correspondence on the subject of the feasibility of DNA test on the cord mortal remains kept in the Renkoji temple are more than sufficient to show the evours made by the Commission in this regard since the receipt of the report of the joint postion of the contents of the casket containing the alleged mortal remains and the photographs of the contents of the casket from the Embassy of India in Japan. Unfortunately, till now there is no tangible result and time is running out fast.

In his Fax message dated 27.12.2002 (Sl. No. 8'in the list of correspondence) Shri Biren Nanda, Charge d' Affairs, Embassy of India in Japan, assured the Commission that the Finbassy "shall immediately solicit the services of an expert to re-examine the bones of the deceased at the Renkoji temple to seek his opinion on whether any material exists from which DNA may be isolated for the purposes of a DNA test". Waiting in vain for a pretty long time for further communication from Shri Nanda, the Commission wrote to the Secretary, Ministry of Anternal Affairs, requesting him to take necessary action to expedite the matter (vide letter dated 13.03.2003 at Sl. No. 17). Ultimately, Shri Nanda sent a Fax message dated 27.03.2003 (vide Sl. No. 18) advising the Commission to "directly correspond with the Ministry of External Affairs in New Delhi on this matter". In reply to the Commission's letter dated 13.03.2003 (vide Sl. No. 17), Shri Vijay Gokhale, Joint Secretary (CNV), Ministry of External Affairs, has informed that they have referred the matter to your Ministry, which is the nodal Ministry, and that they will revert to the Commission as soon as your advice is received (vide his d.o. letter no. 24/4/NGO/Vol.IX dated 26.03.2003 a copy which is an enclosure to this letter)

In these circumstances, I am directed to request you to kindly extend all necessary help and assistance to the Commission in the matter of the proposed DNA test on the alleged mortal remains in the Renkoji temple in Japan.

The Directors of the Centre for Cellular and Molecular Biology (CCMB), Hydreabad, and the Centre for DNA Fingerprinting and Diagnostics were approached by the Commission for the purpose (vide letters at Sl. Nos. 2 & 3 at page 1). In his reply dated 10.12.2002 (vide letter at Sl. No. 4 at page 1), Dr. Lalji Singh, Director, CCMB, informed that laboratory facility for the proposed DNA test "does not exist in India." As advised by him, the Commission wrote to Prof. Dr. Svante Paabo, Department of Genetics, Max Department of Genetics, Max Planck Institute for Evolutionary Anthropology (vide letter at Sl. No. 5 at page 1). In his turn, Dr. Paabo advised the Commission to contact Mr. Tery Milton of Mitotyping Technologies, USA, and Prof. Sir Alec Jeffreys, University of Leicester, UK (vide letter at Sl. No. 10 at page 2). Copies of the letter written Mr. Terry Milton and Prof. Sir Alec Jeffreys in pursuance of the advice of Dr. Svante Paabo are at Sl. No. 11 and 12 at page 2.

Prof. Sir Alec Jeffreys regretted his inability to assist the Commission in the matter (vide letter at Sl. No. 12 at page 2). He, however, recommended the UK Forensic Science Service in Birmingham, one of the National Forensic Science laboratories. He also named Dr. Lalji Singh, Director of the CCMB, Hyderabad, as "one obvious contact". It may be mentioned here that Prof. Sir Jeffreys was written to after contacting Dr. Lalji Singh, In the context of this letter of Prof. Sir Jeffreys the Secretary of the Ministry of External Affairs was approached for help by the Commission (vide letter at Sl. N. 15 at page2).

36

Only positive reply in the matter has been received from Mr. Terry Milton (vide letter No. 13 at pane no. 2), but there is a precondition stipulated by him in the paragraphs 5 of his letter received by e-mail. This is "anthropological evaluation of the remains, including photographs." He has categorically written, "We would like to receive the authropological's report prior to proceeding".

The Commission is now in a fix as to how anthropological evaluation and other necessary scientific tests of the alleged mortal remains kept in the Renkoji temple in Japan should be done for ascertaining the feasibility of DNA test on that mortal remains. I am, therefore, directed to request you to take necessary action as early as possible to enable the Commission to get necessary anthropological evaluation and other necessary tests done for seeking the next step for DNA test on the alleged mortal remains.

This matter may kindly be treated as extremely urgent.

Yours faithfully,

(P.K. Sengupa) Secretary

Enclo: As stated

REGISTERED WITH A/D.

公司 JMCLEO 2002-2003/83/14/1

April 10, 2003

Copy with a copy each of the enclosures is forwarded for information and necessary action to Shri Vijay Gokhale, Joint Secretary (CNV), Ministry of External Affairs, Government of India, South Block, New Delhi-11001.

(P.K. Sengupa) Secretary

10:031 033 252 27:5 P.001 37

No.i/12014/13/2000-IS-V(NCB)Vol.IV

Government of India

Ministry of Home Attairs

Ministry of Home Affairs <u>\$1-19</u> (30.65

New Delhi dated 13.8.03

10

Shri P.K. Sengupta, Secretary Justice Mukherjee Commission of Inquiry Netaji Subhas Chandra Bose 'B' Block (3<sup>rd</sup> floor), 11/A Mirza Ghalib Street Kolkatta 700087.

Subject. Feasibility of the proposed DNA Test on the alleged mortal remains of Netaji Subhas Chandra Bose, kept in the Renkoji temple in Japan, for establishing real identity of the deceased.

Sir.

I am directed to refer to your letter No JMCI/EO/2002-2003/83/14 dated 10/4/03 (received in this Section on 26/6/03) and reminder dated 23/7/03 on the subject noted above and to inform you as follows:-

- (i) The JMCI had asked the Indian embassy in Japan to locate experts to ascertain the feasibility of DNA test on the mortal remains kept in Renkoji Temple in Tokyo. The MEA had asked for the advice of MHA in the matter, which has been furnished vide our letter dated 16/6/03 and 16/7/03.
- Decision regarding holding of anthropological evaluation for determining the feasibility of DNA test and selection of experts for the purpose fall within the purview of the JMCI and appropriate decisions have to be taken by it. A formal meeting in MHA with MEA and other Ministries/Departments to decide such matters is not considered necessary.
- Once the decision is taken by JMCI, MEA may be informed. MEA has indicated that it will facilitate the visit of experts to Japan in so far as haison with the local government, Renkoji temple authorities etc. are concerned.
- (iv) If any logistic support from MHA is needed by JMCI, specific proposals for such support may be sent.

In connection with the proposed DNA test of the mortal remains alleged to be of Netaji kept in Renkoji temple. Tokyo, the following suggestions have been received in this Ministry from Sh.Sugata Bose, Director, Netaji research Bureau, Kolkata:-

- (a) Since these are in all probability the cremated mortal remains of one of the greatest sons of India, please ensure that any test is done with the deepest reverence and respect.
- (b) Any DNA test must be conducted by a top DNA expert or experts in the world.
- (c) Proper sensitivity should be shown to Japanese sentiments. The Japanese have cared for the mortal remains of our leader for 58 years while we Indians have failed to do our duty.

The Commission may like to consider the above suggestions while deciding the matter..

Yours faithfully,

(UMESH KALRA)

RUGD. NO. D. L.-32004/92



EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

₹i∘ 252] No. 252] नई दिल्ली, शुस्रवार, पई 14, 1999/बैशास्त्र 24, 1921 NEW DELHI, FRIDAY, MAY 14, 1999/VAISAKHA 24, 1921

गृह मंत्रालय

अधिस्चना

नई दिल्ली, 14 मई, 1999

का.आ. 339(अ).— नेताजी सुमाष चन्द्र बोस के 16 अगस्त, 1945 के आसपास बैंकाक से प्रस्थान करने और एक विमान दुर्घटना के परिणामस्वरूप उनकी कथित मृत्यु तथा उससे जुड़े अनुवर्ती घटनाक्रम से संबद्ध रिथितियों की जांच करने तथा भारत सरकार की इसकी रिपोर्ट देने के लिए भारत सरकार बाव क्रमशः अप्रैल, 1956 तथा जुलाई, 1970 में गठित शाहनवाज स्वान समिति तथा सोसता जीव आयोग के निकर्ष यह थे कि नेताजी सुभाष चन्द्र बोस की मृत्यु एक विमान दुपटना में हुई है;

और जनता की यह ज्यापक धारणा है कि नेताजी जी की मृत्यु के बारे में सच्चाई जा पता लगाने का मुद्दा अभी भी यधानत् है ;

और इस मामले में आये और जांच करने की निरंतर मांग रही है ;

और कलकता उच्च न्यायालय ने भी भारत सरकार की यह निर्देश दिया है कि इस विवाद की समाप्त करने के प्रयोजन के लिए विधि के अनुसार विस्तृत जांच कराई जाए, बोब आवश्यक हो तो इस प्रयोजन के लिए जांच आयोग का गठन किया जाए ; और पश्चिम बंगाल विधान समा दारा 24·12·1998 को एक संकल्प पारित किया गया जिसमें नेताजी सुमाष चन्द्र बोस के पते-ठिकाने का रहस्योद्घाटन करने के लिए इस मामले में न

और केन्द्रीय सरकार का यह मत है कि सार्वजनिक महत्व के निश्चित मामला, अर्थात् 1945 में नेताजी सुभाष चन्द्र बोस के गायब हो जाने की गहन जांच करने के प्रयोजन से एक जांच आयोग गठित किया जाना अवश्यक है ;

अतः, अब केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 §1952 का 60 § की धारा 3 की उपधारा §1 §और §2 § द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक जांच आयोग गठित करती है, जिसमें भारत के उच्चतम न्यायालय के सेवा निवृत्त न्यायमूर्ति श्री पम0के0 मुखर्जी होंगे।

2 - आयोग 1945 में नेताजी सुभाष चन्द्र बीस के लापता होने से संबंधित सभी तथ्यों और परिस्थितियों और इससे संबंधित पश्चात्वर्ती घटनाओं की जांच करेगा जिसमें निम्निलियत भी हैं :--

१क१ क्या नेताजी सुभाष चन्द्र बीस की मृत्यु हो गई है या वे जीवित हैं;

१ ल १ यिव उनकी मृत्यु हो गई है तो क्या विमान दुर्घटना में उनकी मृत्यु हुई है जैसाकि अधिकधित है ;

§ग इ क्या जापान के मिदर में जो अस्थियां हैं, वह नेताजी की ही अस्थियां हैं ;

१प१ क्या उनकी मृत्यु किसी अन्य प्रकार से किसी अन्य स्थान पर हुई है और यहि ऐसा है, तो वह कब और कैसे हुई ;

्रंड • १यदि वह जीवित हैं, तो उनके ठीर-ठिकाने के संबंध में जानकारी ।

- 3 आयोग उस तरीके की भी जांच करेगा जिसमें पेसे प्रकाशनों की, जिनमें नेताजी की मृत्यु या अन्यथा दुर्घटना होने के प्रश्न अन्तर्वितत हैं, जांच पड्ताल का कार्य केन्द्रीय सरकार दार इन परिस्थितियों में आरंभ किया जा सकता है।
- 4. आयोग, अपनी रिपोर्ट केन्द्रीय सरकार को, यथाशीष्र, किन्तु इस अधिसूचना के प्रकाशन की तारीख से छह भास के भीतर प्रस्तुत करेगा।
- 5. आयोग का मुख्यालय नई दिल्ली में और/अथवा अन्य किसी स्थान पर होगा जैस
- 6 केन्द्रीय सरकार की राय है कि मामले की अन्य परिस्थितियों और की जाने वाली जांच के स्त्रहण को ध्यान में रखते हुए जांच आयोग अधिनियम, 1952 १195° का 60१ की धारा 5

की उप धारा \$2\$, उप धारा \$3\$, उप धारा \$4\$ और उप धारा \$5\$ के सभी उपचंच उकत आयोग को लागू किए जाने चाहिए और केन्द्रीय सरकार उक्त धारा 5 की उप धारा \$1\$ वारा प्रकल शिक्तयों का प्रयोग करते हुए यह निदेश देती है कि उस धारा की उक्त उप धारा \$2\$ से \$5\$ तक के सभी उपवंध आयोग की लाग होंगे।

[फा. सं. VI/11034/18/98-आई.एस.(डी-III)]

निखिल कुमार, विशेष सचिव

#### MINISTRY OF AFFAIRS

#### NOTIFICATION

New Delhi, the 14th May, 1999

S.O. 339(E).— Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains:

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952(60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

- 2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including:-
  - (a) whether Netaji Subhas Chandra Bose is dead or alive;
  - (b) if he is dead, whether he died in the plane crash, as alleged;
  - (c) whether the ashes in the Japanese temple are ashes of Netaji;
  - (d) whether he has died in any other manner at any other place and, if so, when and how;
  - (e) if he is alive, in respect of his whereabouts.
- 3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances.
- 4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.
- 5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.
- The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of subsection(2), sub-section(3), sub-section(4) and sub-section(5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by subsection(1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

[F. No. VI/11034/18/98-IS(D.III)] NIKHIL KUMAR, Spl. Secy.

(293- L43



असाधारण EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 676 ]

नई दिल्ली, रविवार, नवम्बर 14, 1999/कार्तिक 23, 1921

No. 676 ] Subject New Delhi, Sunday, November 14, 1999/Kartika 23, 1921

NO. 676 J

गृह मंत्रालय

Sing

IB:

अधिसूचना

नई दिल्ली, 14 नवम्बर, 1999

का. आ. 1090(अ).—केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना संक्षा.आ. 339(अ) दिनांक 14 मई, 1999 में निम्नलिखित संशोधन करती है, अर्थात् :—

ु उन्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात्:—

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथासंभव शीघ्र किन्तु 14 मई, 2000 तक प्रस्तुत करेगा।''

[फा॰ सं॰-VI/11034/18/98-आई॰एस॰(डी-III)]

संगीता गैरोला, संयुक्त सचिव

टिप्पणी : अायोग को नियुक्त करने वाली अधिसूचना भारत के राजपत्र में सं० का० आ० 339(अ) तारीख 14-5-1999 में प्रकाशित हुई थी।

# MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 14th November, 1999

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th May, 2000."

[F.No. VI/11034/18/98-IS(D. III)]
SANGITA GAIROLA, Jt. Secv.

Note: The notification appointing the Commission was published in the Gazette of India vide number ©.O. 339(E) dated 14-5-1999.

3343 GI/99

भारत सरकार

नई दिल्ली, तारीय 14 नवम्बर, 2003

English Shall the

# अधिसूचना

केन्द्रीय सरकार, जाँच आयोग अधिनियम, 1952 है 1952 का 60 है की धारा 3 की उपधारा है। है दारा इदत्त संक्तियों का इयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० अत्र 339 हैं जह तारी थे 14 महै, 1999 का निम्नलियित और संशोधन करती है, अथिद्व :-

उक्त अधिकृचना के बैरा 4 के स्थान बर, निम्नलिखित बैरा रखा जावगा अथित :-

" 4. आयोग , अवनी रिकोर्ट, केन्द्रीय सरकार को यथा संभव शोह किन्तुं । 14-5-200 अध्यासभव हस्ति करेगा ।"

not refer many den 14.6.200-k

RIGHT

्राकेश } ंस्युक्त सचिवंश्वस्}िंः कार्ण्सं० \// /।।०34/18/98 चन सीबी/खाई वसं १५१

टिप्पण :- बायोग को नियुक्त करने वाली मूल अधिसूचना भारत के राज्यत्र में

% काठ बाठ 1090 % व तारीख 14-11-1999 % भा काठ बाठ 462 % व तारीख 14-5-2000

% ि का० व ० 429 विशे तारीय 14-5-2001 १\√ } का० वा० 508 विशे तारीय 14-5-2002 वीर

। । । कार बार 546 विशे तारीय 14-5-200\$

## Most Immediate

No. VI/11034/18/98-NCB-II Government of India Ministry of Home Affairs North Block, New Delhi.

Dated: IH-11-2003.

To

The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi.

Subject: Extension of the term of Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netaji Subhash Chander Bosepublication of Notification-regarding.

Sir,

Enclosed please find a copy of a notification(both in Hindi and English) to be published in Part II, Section 3, Sub Section (ii) of the Gazette of India, Extraordinary dated 14.11.2003 It is requested that this notification may be published on 14.11.2003 and 50 copies thereof provided to this Ministry urgently for further necessary action.

2. It is also requested that S.O. No. allotted to this notification may be intimated to the undersigned urgently.

Yours faithfully,

Reconstitution of

MN.

(46

( To be published in the Gazette of India, Extraordinary Part-II, Section 3, Sub-section (ii) of dated 14.11.2003 )

# GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi, dated 14.11.2003

#### **NOTIFICATION**

S.O...... (E). - In exercise of the powers conferred by sub-section(1) of section 3 of the Commission's of Inquiry Act,1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E),dated the 14<sup>th</sup> May, 1999, namely:-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14.5.2004.

Te fall
(RAKESH)

Joint Secretary to the Government of India

(File No. VI/11034/18/98-NCB/IS(V)

- Note:- The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339(E),dated 14.05.1999 and subsequently amended vide
  - (i) S.O. 1090(E) dated 14.11.1999;
  - (ii) S.O. No. 462(E) dated 14.5.2000;
  - (iii) SO. No. 429(E) dated 14.05.2001;
  - (iv) S.O. No. 508(E) dated. 14.5.2002; and
  - (v) S.O. 546(E) dated. 14.5.2003.

भारत सरकार गृह मैत्रालय

नई दिल्ली, तारीय 14 नवम्बर, 2003

# अधिसूचन ।

कि अपि केन्द्रीय सरकार, जाँच आयोग अधिनियम, 1952 है 1952 का 60 है की धारा 3 की उपधारा है। है दारा इदत्त शंक्तियों का इयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सै० का० आ० 339 अह तारी 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थाद्य :-

उक्त अधिसूचना के बेरा 4 के स्थान बर, निम्नलिखित बेरा रखा जाएगा, अर्थांद :-

" 4. बायोग , अवनी रिकोर्ट, केन्द्रीय सरकार को यथा संभव शीझ किन्तुं। 14-5-200 अध्यासचात इस्तुत करेगा ।"

क्षकेश

ी रावेश ी स्थुक्त सचिवी्रस्ती का०सं० \/ /।।०३४/।८/९८ एन सी बी∕वाई एस ी्री टिप्पण :- आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राज्यत्र में

सैं कां बार 339 ब्रेंब है तारीख 14-5-1999 द्वारा मुकाशित हुई
भी और तत्वश्चात हमें निम्नलिखित द्वारा संशोधित किया गया था:है। है कां बार 1090 के तारीख 14-11-1999
है। है कां बार 462 कि तारीख 14-5-2000
है। है। कां बार 462 कि तारीख 14-5-2001
है। १० कां बार 508 कि तारीख 14-5-2002 और

§ V § कार अर० 546 शिश्व तारीख 14-5-2003

## Most Immediate

No. VI/11034/18/98-NCB-II Government of India Ministry of Home Affairs North Block, New Delhi.

New Delhi dated 19. 11-2003.

To

The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi.

Subject: Extension of the term of Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netaji Subhash Chander Bose - publication of Notification-regarding.

Sir,

Please refer to this Ministry's letter of even No. dated 14/11/03 on the subject mentioned above for publication in Part-II, Section 3 Sub-section (ii) of the Gazette of India, Extraordinary. It is requested that 50 copies of the Gazette may kindly be made available to this Ministry and handed over to Shri Sudhir Kumar, Peon, Identity Card No. 2002632.

Yours faithfully,

DIRECTOR(S)

# The Gazette of India

असाधारण

#### EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1028]

No. 1028]

नई दिल्ली, शुक्रवार, नवम्बर 14, 2003/कार्तिक 23, 1925

NEW DELHI, FRIDAY, NOVEMBER 14, 2003/KARTIKA 23, 1925

# गृह मंत्रालय

# अधिसूचना

नई दिल्ली, 14 नवम्बर, 2003

का.आ.1313 (अ). — केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० आ० 339 (अ) तारीख 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थात :—

उक्त अधिसूचना के पैरा 4 के स्थान पर, निम्नलिखित पैरा रखा जाएगा, अर्थात :—

"4. आयोग, अपनी रिपोर्ट, केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14-5-2004 के अपश्चात् प्रस्तुत करेगा।"

[फा. सं. VI/11034/18/98-एन०सी०बी०/आई०एस०(V)]

राकेश, संयुक्त सचिव

टिप्पण:—आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं०का०आ० 339 (अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई भी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था:—

- (i) का॰आ॰ 1090(अ) तारीख 14-11-1999;
- (ii) का॰आ॰ 462 (अ) तारीख 14-5-2000;
- (iii) का॰आ॰ 429 (अ) तारीख 14-5-2001;
- (iv) का॰आ॰ 508 (अ) तारीख 14-5-2002; और
- (v) का॰आ॰ 546 (अ) तारीख 14-5-2003.

#### MINISTRY OF HOME AFFAIRS

#### NOTIFICATION

New Delhi, the 14th November, 2003

S. O. 1313 (E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commission's of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339 (E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14-5-2004."

[FileNo. VI/11034/18/98-NCB/IS(V)]

RAKESH, Jt. Secy.

NOTE:—The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339 (E) dated 14-5-1999 and subsequently amended vide.—

- (i) S.O. 1090 (E) dated 14-11-1999
- (ii) S.O. 462 (E) dated 14-5-2000;
- (iii) S.O. 429 (E) dated 14-5-2001;
- (iv) S.O. 508 (E) dated 14-5-2002; and
- (v) S.O. 546 (E) dated 14-5-2003.

3357 GI/2003

# The Gazette of India

असाधारण

#### EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
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गृह मंत्रालय अधिसूचना

नई दिल्ली, 14 नवम्बर, 2003

का.आ.1313 (अ). — केन्द्रीय सरकार, जांच आयोग by Sub अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा Inquiry प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय hereby की अधिसूचना सं० का० आ० 339 (अ) तारीख 14 मई, 1999 का Reme निम्नलिखित और संशोधन करती है, अर्थात्:—

> उक्त अधिसूचना के पैरा 4 के स्थान पर, निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

''4. आयोग, अपनी रिपोर्ट, केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14-5-2004 के अपश्चात् प्रस्तुत करेगा।''

[फा. सं. VI/11034/18/98-एन०सी०बी०/आई०एस०(V)]

राकेश, संयुक्त सचिव

स्था हिप्पण:—आयोग को नियुक्त करने वालो मूल अधिसूचना भारत के राजपत्र में सं०का०आ० 339 (अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई भी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था:—

- (i) का॰आ॰ 1090(अ) तारीख 14-11-1999;
- (ii) का॰आ॰ 462 (अ) तारीख 14-5-2000;
- (iii) का॰आ॰ 429 (अ) तारीख 14-5-2001;
- (iv) का॰आ॰ 508 (अ) तारीख 14-5-2002; और
- (v) का॰आ॰ 546 (अ) तारीख 14-5-2003.

### MINISTRY OF HOME AFFAIRS

#### NOTIFICATION

New Delhi, the 14th November, 2003

S. O. 1313 (E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commission's of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339 (E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14-5-2004."

[FileNo. VI/11034/18/98-NCB/IS(V)]

RAKESH, Jt. Secy.

NOTE:—The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339 (E) dated 14-5-1999 and subsequently amended vide.—

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- (ii) S.O. 462 (E) dated 14-5-2000;
- (iii) S.O. 429 (E) dated 14-5-2001;
- (iv) S.O. 508 (E) dated 14-5-2002; and
- (v) S.O. 546 (E) dated 14-5-2003.

3357 GI/2003

## भारत सरकार मुद्रणालय, रिंग रोड, नई विल्ली

GOVERNMENT OF INDIA PRESS, RING ROAD, NEW DELHI

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of acknowledgment is requested.

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## Most Immediate

No. VI/11034/18/98-NCB-II Government of India Ministry of Home Affairs Security Division

New Delhi dated 20.11-2003.

To

Shri P.K. Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, B Block, 3<sup>rd</sup> Floor, 11/A, Mirza Ghalib Street, Kolkata-700087.

Subject: Extension of the term of the JMCI beyond 14/11/03.

Sir,

I am directed to refer to your letter No.JMCI/Admn/99-2000/32(II)/251 dated 9.9.2003 on the subject noted above and to say that the terms of Justice Mukherjee Commission of Inquiry has been extended upto 14.5.2004 and notification has been published in the Gazette of India Extraordinary vide SO No.1313(E) dated 14.11.03. A copy of notification is enclosed herewith. The Commission is requested to complete its report and submit the same by 14.5.2004.

Yours faithfully,

(M.S. ZUHA) DESK OFFICER

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# SENDING CONFIRMATION

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No. VI/11034/18/98-NCB-II Government of India Ministry of Home Affairs Security Division

New Delhi dated 20.11-2003.

To

Shri P.K. Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, B Block, 3<sup>rd</sup> Floor, 11/A, Mirza Ghalib Street, Kolkata-700087.

Subject: Extension of the term of the JMCI beyond 14/11/03.

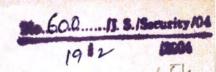
Sir,

I am directed to refer to your letter No.JMCI/Admn/99-2000/32(II)/251 dated 9.9.2003 on the subject noted above and to say that the terms of Justice Mukherjee Commission of Inquiry has been extended upto 14.5.2004 and notification has been published in the Gazette of India Extraordinary vide SO No.1313(E) dated 14.11.03. A copy of notification is enclosed herewith. The Commission is requested to complete its report and submit the same by 14.5.2004.

Ced varies sand sus

Yours faithfully,

(M.S. ZUHA)



#### JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Kolkata-700087

FAX: 033-2252-2765

Phone:

Chairman - 2252-2835 Secretary - 2252-2767

Officer on

Special Duty -2252-2765 Office -2252-2766/68

e-mail jmcinscb@cal3.vsnl.net.in

No. JMCI/ ADMN/99-2000/32(II)/443

February 17, 2004.

From: P.K. Sengupta Secretary

BY REGISTERED POST WILL A/D.

To Shri Rakesh Joint Secretary (IS) Ministry of Home Affairs Government of India North Block New Delhi 110 001

Sub: Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.05.2004.

Sir,

I am directed to refer to Commission's letter No.JMCI/Admn/99-2000/32(Vol.II)/251 dated September 9, 2003 addressed to you soliciting further extension of the term of Justice Mukherjee Commission of Inquiry for one year beyond 14.11.2003 for reasons explained and referred to therein. By Notification No. S.O. 1313(E) dated November 14, 2003 of the Ministry of Home Affairs, Government of India, the term of the Commission was extended for a further period beyond November 14, 2003 but not later than May 14, 2004.

I am directed to state that the Commission is not in a position to complete its inquiry within May 14, 2004 as most of the reasons stated and referred to in Commission's aforesaid letter dated September 9, 2003 as also stated in its earlier proposals for extension of the terms of the Commission still hold good.

The statement attached herewith and marked as Annexure-A indicates, inter alia, in brief, the number of witnesses examined in course of the hearings as also on Commission,

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the number of exhibits and the number of material exhibits admitted by the Commission, the number of sittings held by the Commission, and the number of affidavits filed before the Commission.

The statement attached herewith and marked as Annexure-B indicates some long pending important matters of the Commission with the Government of India.

The statement attached herewith and marked as Annexure-C indicates some of the important matters which the Commission has been constrained not to pursue on the repeated failures of the Ministries/Departments concerned of the Government of India to comply with the directives of the Commission sent in that regard from time to time.

The matters stated in Annexure-B and Annexure-C to this letter show the nature and extent of the existing hurdles faced by the Commission in conducting its inquiry which are required to be removed to the maximum extent possible as expeditiously as possible so that the Commission can do proper justice to the work assigned to it.

The relevant records of the Government of India pertaining to this Commission will show that quite a number of some other hurdles could ultimately be removed in the past due to diligent and persistent endeavours of the Government of India on being untiringly pursued by the Commission for months after months and sometimes for years together. Besides, the inquiry of the Commission has essentially become a highly time consuming exercise particularly because of the following reasons:-

- (a) The Commission's inquiry is inquisitorial, and not adversarial, in nature.
- (b) The subject matter of its inquiry is considerably more than half-a-century old.
- (c) Many of the relevant foreign witnesses who might be still living are yet to be located and examined by the Commission.
- (d) Many of the apparently relevant documents are in the custody of foreign Governments who are yet to be persuaded by the Government of India to make those documents available to the Commission.

- (e) Many of the relevant and important documents of the Government of India are yet to be made available to the Commission and the present whereabouts of many relevant Indian witnesses examined by the Khosla Commission are yet to be collected with the help of the administrative authorities of the State concerned (which is likely to be a considerably time-consuming exercise requiring intervention of the Government of India vide d.o. letter No.I/12014/13/2000-IS (D.III)/NCB (Vol.V) dated January 29/30, 2004 of the Director (S), Ministry of Home Affairs, Government of India, addressed to the Chief Secretary, Nagaland.
- (f) It is taking considerable time to get the reports of the handwriting experts in respect of their verification of the specimen handwritings of Netaji Subhas Chandra Bose with the questioned handwritings allegedly of Netaji Subhas Chandra Bose as also to get the reports of the D.N.A. experts on the D.N.A. profiles of the blood samples of the kins of Netaji Subhas Chandra Bose, collected after prolonged persuasion, and matching of the said D.N.A. profiles thereof with those of the specimens collected from Faizabad Treasury to establish the identity of the subject to whom those specimens belong.
- (g) The Commission had written a letter on 10.04.2003 to the Ministry of Home Affairs, Government of India, with a copy of that letter endorsed to the Joint Secretary (CNV), Ministry of External Affairs, Government of India, with a request to take necessary action as early as possible so as to enable the Commission to get necessary anthropological evaluation and other necessary tests done for taking the next step for D.N.A. test on the alleged mortal remains of Netaji Subhas Chandra Bose kept in the Renkoji temple of Japan. From the response dated August 13, 2003 of the Ministry of Home Affairs, Government of India received by the Commission it appears that the Commission will only get the logistic support from the Government of India in the matter and the Commission itself has to find out ways and means for ascertaining feasibility of D.N.A. test of the said alleged mortal remains of Netaji and if the same is feasible, to arrange for holding necessary D.N.A. test thereof, though it is not

clear to the Commission whether or not the Japanese would allow to take samples from the said mortal remains for the purpose of the aforesaid tests and, in the event of their refusal to allow to take samples, whether delivery of the entire mortal remains should be taken from the Renkoji temple and brought to India for taking the required samples thereof and whether thereafter the charge of the residual part of the said mortal remains will be taken by the Government of India for its preservation pending conduct of the said D.N.A. test. The Commission is yet to get the required clarifications from the Government of India in this regard., The Commission is also yet to get the report called for from the Government of India by its letter dated September 5, 2003 addressed to the Secretary, Ministry of External Affairs with a copy endorsed to the Director (IS), Ministry of Home Affairs, Government of India and is also yet to get response from the Government of India in respect of its suggestions contained in the said letter dated September 5, 2003 for holding D.N.A. tests of the alleged mortal remains of Netaji Subhas Chandra Bose kept in Renkoji temple, (vide para 1 of Annexure-B for details). It is likely to take considerable time to get the aforesaid matter settled.

(h) Since the Government of India is not having diplomatic relation with the Government of Taiwan, the former are not in a position to render any help to the Commission regarding publication of the Commission's notice in the newspapers of Taiwan for information of the public regarding the visit of the Commission to Taiwan and the terms of reference of the Commission. It is yet to be known to the Commission whether the Ministry of External Affairs, Government of India would be able to get any assistance of any agencies/organizations for obtaining the documents asked for by the Commission from Taiwan. The Commission also needs assistance of the Ministry of External Affairs for contacting the witnesses it wants to examine at Taipei and for identifying the relevant places it wants to visit for the purpose of its inquiry in Taiwan. The said assistance is yet to be extended to the Commission by the Government of India. As the time is fast running out the Commission is also seeking assistance of private

agencies/organizations to supplement the endeavours of the Government of India in the matter. It is likely to take considerable time to finalize and complete the visit of the Commission to Taiwan.

(i) The Commission is also required to give reasonable opportunities to the deponents to peruse the records before the Commission and to obtain copies thereof and to make their submissions /arguments before the Commission after the end of the examination of all witnesses including the examination of experts who have already submitted their reports or will be submitting their reports on completion of their examination.

In view of the facts and circumstances stated above I am directed to request you to kindly take necessary steps for extension of the term of Justice M.K. Mukherjee Commission of Inquiry for a further period of at least one year beyond 14<sup>th</sup> May, 2004.

Necessary Government Notification extending the term of the Commission for a further period of one year with effect from 15.05.2004 may kindly be communicated at an early date so that the Government of India may get adequate time to remove the aforesaid hurdles and the Commission may continue its inquiry without any break or interruption and may draw up its programmes for hearing in different places of India and abroad which are essentially warranted for proper completion of the inquiry of the Commission.

Encl: As stated above.

(P.K. Sengupta) Secretary

Yours faithfully

### Annexure-A

1.	No. of witnesses examined	:	112
2.	No. of Exhibits	:	203
3.	Material Exhibit	:	XIX
4.	No. of Sitting held by the Hon'ble Chairman	:	26 '
5	No. of witnesses examined by the Hon'ble Chairman	:	76
6.	No. of witnesses examined by the Secretary on Commission		12
7	No. of witnesses examined by the Principal Private Secretary on Commission		24
8.	No. of affidavits filed by State deponents including one on behalf of West Bengal Govt.		10
9.	No. of affidavits filed by deponents other than the States deponents	:	63
10.	No. of deponents and Co-deponents in the affidavits at Serial No. 9.	:	79

<sup>\*</sup> In the 26<sup>th</sup> sitting of the Commission, none out of the five witnesses summoned appeared.

#### Some Long Pending matters of the Commission with the Govt. of India

- As far back as on September 05, 2003 the Commission along with its letter No. JMCI/EO/2002-03/83(III)/245, addressed to the Secretary, Ministry of External a copy of the news -item captioned, Affairs, Government of India, has sent "Government to authenticate on Netaji's ashes by DNA test" published in the Delhi edition of 'The Statesman' on Saturday, October 28, 1995 and has requested him to let the Commission know what has actually happened with regard to the reported decision of the Government of India to opt for DNA test of the alleged ashes of Netaji by forming a Committee consisting of DNA experts, CBI officials, etc. as reported in the said news- item and has also been requested to make available to the Commission the services of CDFD, Hyderabad, a competent Member of the CBI and the DNA experts, viz., Dr. Michalle Holland of the USA and Dr. Kevin Salevan of the UK as mentioned in the said news-item so that the Commission may with their help and assistance get the DNA tests of the alleged ashes of Netaji done without any further avoidable delay. A copy of the said letter has also been endorsed to the Ministry of Home Affairs, Government of India. Unfortunately, their response is still awaited.
- 2. By Commission's d.o. letter No.JMCI/Overseas/Witness/2002-03/70(II)/301 dated October 29, 2003 addressed to the Director (CNV), Ministry of External Affairs, Government of India, the receipt of her d.o., No.24/4/NGO/Vol.X dated October 13, 2003, which is professed to be in reply to the Commission's letter dated April 1, 2003, has been acknowledged and it has been pointed out therein that neither her said d.o. letter dated October 13, 2003 nor its enclosure in English speaks about the fate of the two letters of the Commission addressed to Prof. E.N. Komorov of Moscow Academy of Sciences, and Prof. Y.V. Pechenko of St. Petersburg University which were enclosed with the Commission's said letter dated April 1, 2003 for causing delivery; that her said d.o. letter dated October 13, 2003 is also silent about the outcome of the request of the Commission to approach the

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Government of Russia for access of the Commission to the Archives of KGB (FSB) as also about the outcome of the communication of the Indian Mission in Moscow to the witnesses mentioned in the list of the Commission sent to the Ministry of External Affairs with its aforesaid letter dated April 1, 2003. The Ministry of External Affairs has been further requested in that letter to let the Commission know the result of the requests made in paras 1,2 and 3 of its said letter dated April 1, 2003. Their reply is still awaited.

- 3. By Commission's letter No.JMCI/DOC(FOR)/99-2000/56(V)/331 dated November 12, 2003, the attention of the Joint Secretary (CNV) has been drawn to the d.o. letter No.25/4/NGO/Vol.X dated 13.10.2003 of the Director (CNV), Ministry of External Affairs, Government of India , and he has been requested to kindly let the Commission know immediately the present position of the other pending matters mentioned in the d.o. letter No.25/4/NGO-Vol(IX) dated 27.06.2003 of the Ministry as also to send a complete list of all the archives of the Russian Federation. The reports called for are still awaited.
- 4. By Commission's letter No.JMCI/CPDC/2002/86/394 dated January 08, 2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India, her attention has been drawn to her d.o. letter bearing No.25/4/NGO/Vol.X dated 25.11.2003 and she has been requested to kindly send to the Commission a progress report in the matter of their exploring alternative options for seeking the assistance of other agencies/organizations for obtaining the requisite documents concerning the alleged air crash at Taihoku on August 18, 1945 and the alleged consequent death of Netaji and she has also been requested to make available to the Commission as early as possible all the relevant documents in the matter. In this connection it may be added that when it proposed to visit Taiwan in 2002 the Commission was made to understand that the Government of India would not be in a position to make any payment on behalf of the Commission in Taipei and that the payment for all services in Taipei including the cost of hotel accommodation, transport, interpreter, photographer, etc., would need to be made directly by the Commission itself and

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that publication of the notice in leading local dailies in English and local languages in Taiwan regarding holding of the hearing of the Commission in Taiwan would have to be arranged by the Commission itself. Consequently, the Commission made endeavours to contact the authorities in Taiwan to know about the availability of relevant documents and relevant witnesses in Taiwan as the Ministry of External Affairs, Government of India, expressed their difficulties to render the required help and assistance in the matter to the Commission on the ground that the Government of India is not having any diplomatic relations with the Government of Taiwan. Subsequently, the Ministry of External Affairs advised the Commission (vide d.o. letter No. 25/4/NGO/Vol.IX dated September 24, 2003 of the Director (CNV), Ministry of External Affairs, Government of India, to the Secretary of the Commission) not to approach the authorities of Taiwan in the aforesaid matters directly but to write to the Ministry of External Affairs for the information required to be obtained by the Commission from Taiwan.

5. Present whereabouts of all the relevant witnesses examined earlier outside India as also of those mentioned anew reportedly living abroad, are yet to be collected and the reports regarding availability/non-availability of the relevant documents are yet to be obtained/collected from most of the foreign countries concerned by the Ministry of External Affairs, Government of India, to make them available to the Commission on receipt of which the Commission might be required to draw up programmes for its visit to the relevant foreign countries for examination of witnesses and documents available there as also for inspection of important relevant sites in those countries. In this connection Commission's letters JMCI/DOC(FOR)/99-2000/56(iv)/398 dated November 11, 2002, JMCI/Overseas/Witnesses/2000-01/70/433 dated November 27, 2002, addressed to the Joint Secretary (CNV), Ministry of External Affairs, Govt. of India, and its letter no. JMCI/Overseas/Witnesses/2000-01/70(ii)/621 dated April 01, 2003 addressed to the Secretary, Ministry of External Affairs, Govt. of India, may kindly be referred to.

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6. By Commission's letter No. JMCI/11/2000/295 dated 20.10.2003 addressed to the Director, Ministry of Home Affairs, Government of India, it has been pointed out that the report of the Ministry of Home Affairs sent to the Commission under their No.I/12014/13/2000-NCB dated 19/24.09.2003 does not state specifically as to whether the documents called for by Commission's letter No.JMCI/11/2000/542 dated February 17, 2003 are in existence or not. It has also been stated in the said letter dated 20.10.2003 of the Commission that if the said documents are in existence, the reason for which those have not yet been sent to the Commission in spite of repeated reminders may also be intimated to the Commission immediately. The response of the Ministry of Home Affairs is still awaited.

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7. By Commission's letter No.JMCI/Overseas/Witnesses/2002-03/70(II)/288 dated 16.10.03 addressed to Shri Vijoy Gokhale, Joint Secretary (CNV), Ministry of External Affairs, Government of India, his attention has been drawn to the copy of the enclosure captioned, "Directive to the Supreme Commander for the Allied Powers" bearing dated August 14, 1945 forwarded with his d.o. letter No.25/4/NGO-Vol.IX dated May 7, 2003 and he has been requested to kindly obtain through the Indian Mission in the USA authenticated copies of the (1) Proclamation, and (2) Instrument of Surrender which appear to have been enclosed to the original copy of the aforesaid directive bearing dated 14.08.1945. The documents called for are yet to be received.

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By Commission's letter No. JMCI/Meeting-Proceedings/(Follow-Up)/99-2000/48(V)/322 dated November 5, 2003 addressed to Shri Umesh Kalra, Director (IS), Ministry of Home Affairs, Government of India in response to the factual position regarding para 5 as indicated in Shri Kalra's letter No.I/12014/13/2000-IS-V (NCB)/Vol.V dated 31.10.03, it has been pointed out that the 317 files of Khosla Commission mentioned therein do not contain either the original or authenticated true copies of the documents produced before the Khosla Commission and marked as exhibits or the proceedings of the said Commission and that the bound volumes of unsigned and uncertified copies of the depositions of the witnesses before the said

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Commission (as received by us) appear to contain only some parts of its proceedings. The documents called for by the Commission by its letters dated 17.02.03 and 11.04.03 as referred to in the said para 5 are yet to be received.

- 9. The Commission by its letter No.JMCI/Overseas/Witnesses/2002-03/70(II)/188 dated August 05, 2003 has requested the Ministry of External Affairs, Government of India to send particulars of some suitable willing Indian scholars or students of Post-Graduate class in the U.S.A. indicating / suggesting the rate of remuneration, if any, acceptable to them unless they would agree to do the same archival research, free of remuneration for academic interest or for their love and respect of Netaji. Further development in the matter is still awaited.
- 10. With Commission's letter No. JMCI/DOC(FOR)/99-2000/56(V)/375 dated December 26, 2003 addressed to the Joint Secretary (CNV), Ministry of External Affairs, Government of India, a copy of the official paper bearing No. 5190, which is an extract from a note of discussion between Lord Wavell, the Secretary of State, and R. Arthur Henderson held on 27<sup>th</sup> August, as collected from the U.K. in course of the visit of the Commission to London, has been sent to the said Joint Secretary with the request to kindly let the Commission know as expeditiously as possible, the result of the inquiry initiated by the Viceroy as mentioned in the aforesaid document bearing No.5190. Their response is awaited.
- 11. In Commission's letter No.JMCI/Meeting-Proceedings (Follow Up) / 99-2000/48(V)/376 dated December 26, 2003 addressed to the Secretary, Ministry of Home Affairs, Government of India, it has been pointed out inter alia, that the documents mentioned in para 2(iii), 2(v), and 2(vi) of the Cabinet Secretariat's letter No.281/12/1/2000-PS dated November 13, 2003 could not be traced out in Ministry of Home Affairs' file No. I/12014/9/77-D.III, No.I/12014/6/90-IS (D.III), and No.31/2/74-Pol. D.III (2 Vols.) in spite of thorough search not only by the Officers of the Commission but also by one Officer of the Ministry of Home Affairs in course of his visit from New Delhi to the Commission's Office in Kolkata, though it

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has been stated in para 2 of the Ministry of Home Affairs' letter No.I/12014/13/2000-IS (D.V) dated January 2, 2003 that those documents are available in the aforesaid files of the Ministry of Home Affairs and that the documents mentioned at para 2(ii) 2(iv) could not be made available to the Commission. The Secretary, Ministry of Home Affairs has, therefore, been requested in the said letter dated December 26, 2003 of the Commission to kindly take all possible steps to ensure early transmissions of all the aforesaid five documents mentioned at para 2(ii), 2(iii), 2(iv), 2(v), and 2(vi) of the aforesaid letter of the Cabinet Secretariat. Further development in the matter is awaited.

12. The report of the Indian Consulate of St. Petersburg [as intended to be sent later to the Commission in para 4 of the d.o. letter No.24/4/NGO-Vol.IX(II) dated June 11, 2003 of the Joint Secretary (CNV), Ministry of External Affairs, Government of India, addressed to the Secretary of the Commission] is yet to be received by the Commission in spite of several reminders to the said Ministry.

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Some of the important matters which the Commission has been constrained not to pursue on the repeated failure of the Ministries/Departments concerned of the Government of India to comply with the directives of the Commission sent in that regard from time to time.

- 1. Shri Morarji Desai, the then Prime Minister of India, made a statement on the floor of the Parliament (Lok Sabha) on August 28, 1978 that 'some further contemporary official documentary records have become available' in the light of which 'it is difficult to accept that the earlier conclusions (of the Shah Nawaz Khan Committee and the Khosla Commission) are decisive". But the said 'further contemporary official documentary records' have not been made available to the Commission by the Government of India.
- 2. No follow-up action has been taken by the Ministry of External Affairs, Government of India, as requested by the Ministry of Home Affairs, Government of India on the letter dated March 22, 1993 of Dr. Shankar Dayal Sharma, the then President of India. (vide Commission's letter No.JMCI/Records/N.Delhi/99-2000/37(III)/449 dated December 5, 2002 addressed to the Joint Secretary (CNV), Ministry of External Affairs, Government of India).
- 3. The documents mentioned in the d.o. letter dated February 3, 1998 of Dr. Ramesh Chandra Mazumdar (a renowned historian, since deceased) addressed to Shri Morarji Desai, the then Prime Minister of India, as also those mentioned in the note attached to the said d.o. letter of Dr. Mazumdar (vide c.p.s 16-20 of the Secret File No.2/64/78-PM of the Prime Minister's Office) have not been made available by the Secretaries, Ministry of Home Affairs and Ministry of Information and Broadcasting as called for from them by the Commission's letter No.JMCI/Records/N.Delhi/99-2000/37 (Vol.II)/542 dated February 1, 2002.
- 4. Vol. Nos. XVIII, XIX and XXII pertaining to the Khosla Commission along with other relevant files / documents / records which have been shown in the Affidavit

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dated December 19, 2001 of Smt. Sangeeta Gairola, Joint Secretary, Ministry of Home Affairs, Government of India, as called for by the Commission's letter No.JMCI/Records/N.Delhi/99-2000/37(Vol.II)/534 dated January 29, 2002 addressed to the Secretary, Ministry of Home Affairs, Government of India, have not been made available to the Commission.

- 5. The Affidavit allegedly filed by the Government of India before the Khosla Commission regarding destruction/missing of 34 confidential files on Netaji has not been made available to the Commission.
- 6. The documents filed by the Government of India and other parties, if any, before the Khosla Commission which were made exhibits by the said Commission, have not been furnished by the Government of India to this Commission. Not even a comprehensive list of the said exhibits has been filed by the Government of India to this Commission.
- 7. Copies of some of the affidavits filed by different deponents before this Commission were sent to the Ministry of Home Affairs, Government of India, so that the Ministries/Departments/ Offices concerned of the Government of India, might like to controvert the allegations/assertions contained in the said affidavits. In spite of close persuasion, no such counter-affidavits have been filed before this Commission by any of the authorities of the Government of India. Consequently, the Commission has presumed that the authorities concerned of the Government of India have nothing to say regarding the allegations/assertions of the said deponents made in their said affidavits and the Ministry of Home Affairs, Government of India, have been kept informed by the Commission accordingly.
- 8. The Ministry of Home Affairs and the Ministry of External Affairs, Government of India, have been repeatedly requested by the Commission, in vain, to take up the matter with the Government of the U.K. at appropriate levels so that the classified British documents on Netaji Subhas Chandra Bose/INA are got declassified and the Commission can peruse them for the purpose of its inquiry.

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#### No.VI/11034/18/98-IS(V)/NCB-II Ministry of Home Affairs, Government of India

Dated the 8-3-04

To

The Ministry of External Affairs, South Block, New Delhi.

Subject:-Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.5.2004.

Sir,

I am directed to refer to the Justice Mukherjee Commission of Inquiry letter No, JMCI/ADMN/99-2000/32(II)/443, dated 17.2.2004(copy enclosed) on the subject mentioned above and to say that the parawise comments in respect of para 1,4,5,6,7.10 and 12 of Annexure B and para 2&8 of Annexure C, may please be sent to us urgently for processing the case for futher extension of term of Justice Mukharjee Commission of Inquiry beyond 14.5.2004.

Yours faithfully

Director

Encl. As above.

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MHA(NB)

No.VI/11034/18/98-IS(V)/NCB-II Government of India Ministry of Home Affairs

**IMMEDIATE** 

New Delhi, dated 29.3.04.

To

The Ministry of External Affairs,

South Noth Block,

New Delhi. (Attention: Ms. Ruchi Ghanshyam, Director(CNV).

**Subject:-**Extension of the term of Justice M.K. Mukherjee Commission of Inquiry beyond 14.5.2004.

Sir,

Please refer to this Ministry's letter of even number dated 08.3.2004 (copy enclosed) on the subject mentioned above. It is requested that the specific comments on the pending issues shown against the Ministry of External Affairs may kindly be expedited to enable us to process the case for further Extension of the Justice M.K. Mukherjee Commission of Inquiry.

Yours faithfully,

(U.K. KALRA) DIRECTOR



# HRAA USIUSI The Gazette of India

असाधारण

#### EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii) प्राधिकार से प्रकाशित

**PUBLISHED BY AUTHORITY** 

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नई दिल्ली, शुक्रवार, नवम्बर 14, 2003/कार्तिक 23, 1925 NEW DELHI, FRIDAY, NOVEMBER 14, 2003/KARTIKA 23, 1925

गृह मंत्रालय अधिसूचना

नई दिल्ली, 14 नवम्बर, 2003

का.आ.1313 (अ). — केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० आ० 339 (अ) तारीख 14 मई, 1999 का निम्नुलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना के पैरा 4 के स्थान पर, निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

''4. आयोग, अपनी रिपोर्ट, केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14-5-2004 के अपश्चात् प्रस्तुत करेगा।''

[फा. सं. VI/11034/18/98-एन०सी०बी०/आई०एस०(V)]

राकेश, संयुक्त सचिव

टिप्पण: —आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं॰का॰आ॰ 339 (अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई भी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था:—

- (i) का॰आ॰ 1090(अ) तारीख 14-11-1999;
- (ii) का॰आ॰ 462 (अ) तारीख 14-5-2000;
- (iii) का॰आ॰ 429 (अ) तारीख 14-5-2001;
- (iv) का॰आ॰ 508 (अ) तारीख 14-5-2002; और
- (v) का॰आ॰ 546 (अ) तारीख 14-5-2003.

#### MINISTRY OF HOME AFFAIRS

#### NOTIFICATION

New Delhi, the 14th November, 2003

S. O. 1313 (E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commission's of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339 (E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14-5-2004."

[File No. VI/11034/18/98-NCB/IS(V)]

RAKESH, Jt. Secy.

NOTE: —The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339 (E) dated 14-5-1999 and subsequently amended vide.—

- (i) S.O. 1090 (E) dated 14-11-1999
- (ii) S.O. 462 (E) dated 14-5-2000;
- (iii) S.O. 429 (E) dated 14-5-2001;
- (iv) S.O. 508 (E) dated 14-5-2002; and
- (v) S.O. 546 (E) dated 14-5-2003.

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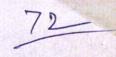
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विनांक.

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Prompt return of 2nd portion of this Voucher duly signed within 7 days in token of acknowledgment is requested.

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# HRA En USUA The Gazette of India

असाधारण EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 443]

नई दिल्ली, शुक्रवार, मई 14, 2004/वैशाख 24, 1926

No. 443]

NEW DELHI, FRIDAY, MAY 14, 2004/VAISAKHA 24, 1926

#### गृह मंत्रालय

#### अधिसूचना

नई दिल्ली, 14 मई, 2004

का.आ. 575(अ).—केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 339(अ) तारीख 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा संभव शीम्र किन्तु 14 नवम्बर, 2004 के अपश्चात् प्रस्तुत करेगा।''

[फा. सं.VI/11034/18/98-एन.सी.बी-II]

राकेश, संयुक्त सचिव (सू.)

टिप्पण: आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं. का.आ. 339(अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई थी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था:—

- (i) का.आ. 1090(अ) तारीख 14-11-1999;
- (ii) का.आ. 462(अ) तारीख 14-5-2000;
- (iii) का.आ. 429(अ) तारीख 14-5-2001;
- (iv) का.आ. 508(अ) तारीख 14-5-2002;
- (v) का.आ. 546(अ) तारीख 14-5-2003; और
- (vi) का.आ. 1313(अ) तारीख 14-11-2003 ।

#### MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 14th May, 2004

S.O. 575(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th November, 2004."

[F. No. VI/11034/18/98-NCB-II]

RAKESH, Jt. Secy. (S)

NOTE:—The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339(E), dated 14-5-1999 and subsequently amended vide:—

- (i) S.O. 1090(E), dated the 14th Nov., 1999;
- (ii) S.O. 462(E), dated the 14th May, 2000;
- (ii) S.O. 429E), dated the 14th May, 2001;
- (iv) S.O. 508(E), dated the 14th May, 2002;
- (v) S.O. 546(E), dated the 14th May, 2003; and
- (vi) S.O. 1313(E), dated the 14th Nov., 2003.

1546 GI/2004

#### CONFIDENTIAL

#### **Ministry of External Affairs** (NGO Section)

165/NB-2/04 Subject: Extension of term of Justice M.K.Mukerjee Commission of Inquiry beyond 14.5.2004.

MHA may kindly refer to their U.O. note no. VI/11034/18/98-IS(V)/NCB-II, dated 08.3.2004 and 29.3.2004, seeking inputs for processing case for further extension of term of the Justice Mukherjee Commission of Inquiry (JMCI) beyond 14.5.2004.

This Ministry's parawise comments on Para 1, 4, 5, 6,7, 10 and 12 of **Annexure 'B'** and Para 2 & 8 of Annexure 'C' of the Status Report of the JMCI, are given in the enclosed sheet.

> Kgnanashyam (Ruchi Ghanashyam) Joint Secretary (CNV)

1565 No (2000) Ministry of Home Affairs (Shri U.K.Kalra, Director, NCB-II Section), North Block, New Delhi.

MEA U.O. no. 25/4/NGO-Vol XI, dated April 12, 2004

ENO. 12014/13/2000-100/1

Ph. ark for the copy of all .

#### STATUS OF REQUESTS RECEIVED FROM JMCI

	JMCI'S REQUIREMENT	PRESENT STATUS / MEA RESPONSE
JMCI ANNEXU	RE "B"	
PARA NUMBER <b>1</b>	Statesman Report of 28.10.95- Reported decision of GOI to opt for DNA testing by forming a Committee of DNA experts, CBI Officials etc.	Reply sent vide letter dated 29.3.2004 (copy enclosed)
PARA NUMBER <b>4</b>	Progress report on exploring alternative options for seeking assistance of other agencies/organization for obtaining documents concerning alleged air crash at Taihoku from Taiwanese authorities	Government and Taiwanese authorities have been forwarded to JMCI vide letters No. 25/4/NGO-Vol-IX dated 20.2.04 and No. 25/4/NGO-Vol-XI dated
PARA NUMBER <b>5</b>	Visit of JMCI team to relevant foreign countries for examination of witnesses and documents and inspection of sites.	Our Missions in Singapore, Bangkok and Vietnam facilitated the JMCI request for publishing Notices for obtaining and extracting material evidence relevant to the points of inquiry.  The JMCI Notice was published in all the leading dailies in these countries. Newspaper clippings of the Notices thus published have been sent to the JMCI alongwith feedback.
		As regards Taiwan, The feasibility of a proposed visit by a JMCI team to Taipei, was examined in MEA letter No. No.25/4/NGO-Vol-XI dated 15.3.04 (Copy enclosed as above), where constraints and difficulties identified by the India-Taipei Association (ITA) in pursuing investigations in Taiwan were spelt out. The JMCI was informed that if the Commission were to decide in favour of a visit to Taiwan, the ITA would be requested to extend all possible assistance to the visiting JMCI team.

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PARA NUMBER <b>6</b>	This pertains to MHA	This pertains to MHA
PARA NUMBER <b>7</b>	Request for obtaining copy of "Proclamation, Instrument of Surrender" and 'Directive to Supreme Commander for Allied Powers' dated 14.8.1945	Our Mission in Washington has been requested to obtain these documents from US authorities/agencies. The Mission has already taken up the matter with US agencies.
PARA NUMBER 10	Request for obtaining copy of an Official Paper- Extract of discussions between Lord Wavell, and Henderson on 27.8.45.	Our Mission in London has been requested to obtain these documents from British authorities/agencies. The Mission has already taken up the matter with the British Foreign Office.
PARA NUMBER <b>12</b>	Report of Indian Consulate of St. Petersburg.	One of the listed witnesses named by JMCI, viz. Professor Y.V.Pechenko of the University of St. Petersburg, died in June 2003. This fact was conveyed to the Commission vide letter no. 25/4/NGO-Vol IX (I) dated 15 July 2003. MEA letter No. 25/4/NGO-Vol.XI, dated March 29, 2004 to JMCI also refers. (copies enclosed)

Contd.page 3/....

JMCI ANNEXURE	JMCI ANNEXURE "C"					
PARA NUMBER 2	Follow-up action by MEA/MHA on letter (dt 22.3.1993) of Dr. Shankar Dayal Sharma, the then President of India regarding JMCI request for furnishing copy of Judgment order dated 4.3.1987 delivered by Hon'ble Justice Bhargava of Rajasthan High Court.	conveyed to MHA vide Ministry's letter no. C/551/7/92-JO dated 8th October 1993 and subsequently again vide letter no. 25/4/NGO-Vol. VIII dated 26.7.2002. (copies enclosed)				
PARA NUMBER 8	Request for taking up matter with the British Government for declassification of classified British documents on Netaji/ INA to enable JMCI to peruse them for purpose of the Inquiry.	Affairs Minister (EAM) in October 2002 in connection with the request for assistance in accessing certain classified documents pertaining to				

BY FAX FAX NO: 033-2252-2765 77

Most Immediate

No. VI/11034/18/98-NCB-II Government of India Ministry of Home Affairs Security Division

New Delhi dated 17.5.2004.

To

Shri P.K. Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, B Block, 3<sup>rd</sup> Floor, 11/A, Mirza Ghalib Street, Kolkata-700087.

Subject: Extension of the term of the JMCI beyond 14/5/04.

Sir,

I am directed to refer to your letter No.JMCI/Admn/99-2000/32(II)/443 dated 17.2.2004 on the subject noted above and to say that the terms of Justice Mukherjee Commission of Inquiry has been extended upto 14.11.2004 and notification has been published in the Gazette of India Extraordinary vide SO No.575(E) dated 14.5.04. A copy of notification is enclosed herewith.

Yours faithfully,

(M.S. ZUHÁ) DESK OFFICER

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भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

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NEW DELHI, FRIDAY, MAY 14, 2004/VAISAKHA 24, 1926

#### गृह मंत्रालय अधिसूचना

नई दिल्ली, 14 मई, 2004

का.आ. 575(अ).—केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शिक्तयों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 339(अ) तारीख 14 मई, 1999 का निम्निलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात :—

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा संभव शीघ्र किन्तु 14 नवम्बर, 2004 के अपश्चात् प्रस्तुत करेगा।''

[फा. सं.V]/11034/18/98-एन.सी.बी-II]

राकेश, संयुक्त सचिव (स.)

टिप्पण: आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं. का.आ. 339(अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई थी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था:—

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- (iv) का.आ. 508(अ) तारीख 14-5-2002;
- (v) का.आ. 546(अ) तारीख 14-5-2003; और
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#### MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 14th May, 2004

S.O. 575(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th November, 2004."

[F. No. VI/11034/18/98-NCB-II]

RAKESH, Jt. Secy. (S)

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- (iv) S.O. 508(E), dated the 14th May, 2002;
- (v) S.O. 546(E), dated the 14th May, 2003; and
- (vi) S.O. 1313(E), dated the 14th Nov., 2003.

1546 GI/2004

FROM : JMCI FAX NO. : 091 033 252 2765

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata-700087

FAX: 033-2252-2765

Phone:

- 2252-2835 Chairman - 2252-2767 Secretary

Officer on

BY REGISTERED POST WITH A/D

-2252-2765 Special Duty - 2252-2766/68 Office

e-mail jmcinscb@cal3.vsnl.net.in

September 07, 2004

No. JMCI/ADMN/99-2000/32(II)/196

From P.K. Sengupta Secretary

To Shri Rakesh Joint Secretary (IS) Ministry of Home Affairs Government of India North Block New Delhi 110 001

Sir,

1 am directed to refer to Commission's letter No. JMCI/Admn./99-2000/32(II)/443 dated February 17, 2004 addressed to you soliciting further extension of the term of Justice M.K. Mukherjee Commission of Inquiry for one year heyond May 14, 2004 for reasons explained and referred to in the said letter including those mentioned in Annexures 'B' and 'C' attached thereto. By Notification No. S.O.575(E) dated May 14, 2004 of the Ministry of Home Affairs, Government of India, published in the Gazette of India (Extraordinary) dated May 14, 2004, the term of the Commission was extended for a further period beyond May 14, 2004 but not later than November 14, 2004.

2. I am directed to state that the Commission is not in a position to complete its inquiry within November 14, 2004 as most of the reasons stated and referred to in the Commission's aforesaid letter dated February 17, 2004 as also stated in its earlier proposals for extension of the term of the Commission, still hold good.

Though some of the hurdles could ultimately be removed in the past by diligent and persistent endeavours of the Government of India on being untiringly pursued by the Commission for months after months and sometimes for years together, quite a number of other hurdles as explained and referred to in the Commission's letter

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No.JMCI/Admn./99-2000/32(II)/443 dated February 17, 2004 are yet to be removed notwithstanding similar untiring and prolonged pursuance by the Commission,

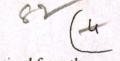
- 4. I am also directed to draw your attention to the matters of sub-paras (a),(b),(c),(d),(e),(g), and (i) of para 7 of the Commission's aforesaid letter dated February 17, 2004 as also to the matters in para 3 of the Commission's Status Report for June, 2004, and paras 4(a) and (b), 5, 7(a) and (b), 9, 10, and 14 of its Status Report for August, 2004, which if read with the matters mentioned/reiterated in paras 5, 6, and 7 herein below, will fully explain why the inquiry of the Commission has essentially become a highly time-consuming exercise. Extracts of relevant paras of the Status Report for August, 2004 are enclosed.
- 5. Some of the Files/Records/Documents of the Government of India which could not ultimately be furnished by them to the Commission in spite of persuasion by the Commission are noted below:-
- (a) File No.12(226)/56-PM reg: "Investigation into the circumstances leading to the death of Subhas Chandra Bose".
- (b) 33 papers/notes from PMO's file No.23(156)/51-PM reg: "Disposal of properties of the INA in the Far East."
- (c) "Some further contemporary official documentary records" as admitted by Late Morarji Desai, the then Prime Minister of India on the floor of the Lok Sabha on August 28, 1978 to "have also become available" (Reg: Disappearance of Netaji Subhas Chandra Bose).
  - NA (d) The original notes and documents (or authenticated copies thereof) the extracts from which are available in the INA File No.273 lying with the National Archives of India. The said file relates to the alleged death of Netaji on August 18, 1945 in a plane crash at Taihoku.
    - (e) The original or authenticated true copies of the documents/files/records produced/filed/made exhibits before Khosla Commission and the affidavits filed by the Government of India before the said Commission.
    - (f) Volume Nos. XX and XXI of Justice Khosla Commission as also signed and authenticated Vol. Nos. I to XVIII, XIX and XXII of the said Commission.

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- (g) Almost all original records of the proceedings of Shah Nawaz Khan Committee of Inquiry and almost all the evidence recorded by it and the documents produced/made exhibits before the said Committee.
- (h) File No.21(381)/60-66-PM regarding: "Proposal to bring Shri Subhas Bose's ashes from Tokyo and to put up a memorial of him in front of Red Fort in Delhi.
  - (i) Almost all the documents referred to in the affidavits/supplementary affidavits of different deponents.
- (j) Authenticated copy of the report dated 31.12.1945 of Shri B.C. Chakravarty on alleged death of Netaji in alleged plane crash on August 18, 1945 at Taihoku bearing counter-signature of Col. Stevenson and sent to the CSDIC.
- 6. Some of the Records/Files/Documents/Reports which could not be collected/procured from the forcign countries concerned by the Government of India as called for/requested by the Commission are noted below:-
  - Subhas Chandra Bose could not be got declassified by the Government of India to make them (or authenticated copies thereof) available to the Commission.
  - documents sent earlier by Shri Samar Guha to the Soviet Government which were acknowledged by them to have been received with the intimation that the Soviets were making inquiries. No report regarding the said documents and the said inquiries have been received from the Government of India.
  - Chandra Bose in Russia could not be reported to the Commission as called for by it.
  - MHA (d) Photographs taken of the scene of the alleged plane crash at Taihoku on August 18, 1945 as also photographs taken at the Hospital at Taihoku

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after the alleged death of Netaji were called for but not received from the Government of India.

- (e) Jawaharlal Nehru's letters to the British Prime Minister during 1945 to
- Ministry, Government of India, marked as exhibit 29-1 before Justice Khosla Commission of Inquiry.
- MRA (g) Micro-film/Micro-Fiches of all documents relating to Netaji Subhas Chandra Bose lying in the custody of CIA/Office of the Strategic Services were called for from the Government of India but not received.
- 7. Some of the documents/reports/information etc. called for from the Government of India which could not be furnished to the Commission are noted below:
  - (a) Report regarding originals of the Radio Messages dated 26.12.1945,
    01.01.1946 and February, 1946 (no day of the month is mentioned) of
    Netaji Subhas Chandra Bose and the source of receipt of the said
    messages as mentioned at cor pages 21 and 22 of the PMO's confidential
    File No.870/11/P/16/92-Pol. on the subject, "Disappearance of Netaji
    Subhas Chandra Bose p.p.s. Reg."
- Wavell Government, "Nehru received a letter from Bose saying that he was in Russia and that he wanted to escape in India" (vide c.p.s. 16-20 of PMO's Secret File No.2/64/78-PM). The said letter or an authenticated copy thereof was not received from the Government of India though called for.
- (c) No report received from the Government of India regarding the action taken on the letter dated August 7, 1995 of Shri Amiya Nath Bose addressed to the then Prime Minister wherein Shri Bose stated, inter alia, that he was having conclusive evidence in his possession to establish that Netaji was alive in Soviet Union on July 22, 1946 (vide cor.page 427 of PMΩ's Secret File No.870/11/P/95-Pol.)
  - In view of the facts and circumstances stated/referred to above, I am directed to request you to kindly take necessary steps for extension of the term of Justice M.K.

FROM : JMCI

FAX NO. : 091 033 252 2765

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Mukherjee Commission of Inquiry for a further period of one year beyond November 14, 2004

9. Necessary Government Notification extending the term of the Commission for a further period of one year w.c.f. November 15, 2004 may kindly be communicated at an early date so that the Government of India may get adequate time to remove the hurdles mentioned/referred to herein-before and the Commission may continue its inquiry without any break or interruption and may draw up its programmes for hearing in different places of India and abroad which are essentially warranted for proper completion of the inquiry of the Commission.

Encl: as stated above

Yours faithfully,

(P.K. Sengupta) Secretary FROM : JMCI

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FAX NO. : 091 033 252 2765

SEP. 07 2004 01:58PM P6

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Justice Mukherjee Commission of Inquiry 88Fer Inquiry Into the Alleged Disappearance of NETAJI SUBHAS CHANDRA BOSE.

B' Block, (Third Floor)
11/A Mirza Ghalib Street, Kolkata-700087

Extracts of Paras 4 (a) and (b), 5, 7 (a) and (b), 9, 10, and 14 Status Report for August 2004

- 4. (a) A provisional programme for visit of the Commission to Russia was sent to the Ministry of External Affairs, Government of India, in Commission's' d.o. letter No. JMCI/EO/2002-2003/83(III)/112 dated July 21, 2004 of the Secretary addressed to the Director (CNV), Ministry of External Affairs, Government of India. Acknowledging the receipt of the said programme, the Director (CNV) in his d.o. letter No.25/4/NGO-Vol.XII dated August 12, 2004 suggested: "that the itinerary of JMCI's visit to Russia including the dates of the visit should be finalized only after receipt of further inputs from our Mission in Moscow. We shall keep you updated in the matter". No further communication of the matter has been received. The Ministry of External Affairs has been reminded by the Commission to take necessary action so that the Commission can visit Russia within September 30, 2004 or at best by the first week of October, 2004 to avoid the bitter winter of Russia vide Secretary's d.o. letter No.JMCI/EO/2002-2003/83(III)/186 dated August 30, 2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India.
  - (b) In the Commission's said d.o. letter dated August 30, 2004 it has also been stated that finalization of the programme of the Commission's visit to Taiwan and some other places also depends on the time of the proposed visit of the Commission to Russia.
- 5. The attention of the Director (CNV) has been drawn to Commission's letter No. JMCI/Overseas/Witnesses/2002-2003/70(II)/188 dated 05.08.2003 addressed to the Joint Secretary, (CNV), wherein the latter was requested to send particulars of some suitable willing Indian scholars/students of Post Graduate class available in the USA indicating/suggesting the rate of remuneration, if any, acceptable to them unless they would agree to do the job of archival research at various American repositories of relevant historical documents relating to Netaji Subhas Chandra Bose, free of remuneration for academic interest or for the love and respect for Netaji. In the statement forwarded by the Ministry of External Affairs, Government of India with their d.o. letter no. 25/4/NGO-Vol.XII dated August 18, 2004, it has been stated, inter alia: "Our Mission in Washington has been requested to depute an Officer to look at the documents". Further development in the matter is awaited.

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- 7. (a) In the d.o. letter No.JMCI/EO/2002-03/83(III)/93 dated 28.06.2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India, it has been requested, inter alia: "It may be intimated whether the Chief Priest of Renkoji temple has been formally requested to make available the alleged ashes to the experts who may be appointed by the Commission for D.N.A. test of the same. The Commission may also be informed whether any reply to such request,... has been received." The Commission is yet to receive any reply of the Ministry of External Affairs, Government of India to the aforesaid queries of the Commission.
  - (b) The Commission is still continuing its efforts to ascertain the prima facie feasibility of D.N.A. tests of the alleged ashes of Netaji Subhas Chandra Bose kept in the Renkoji temple in Japan.
- 9. With Commission's letter No. JMCI/Meeting-Proceedings (Follow Up)/99-2000/48(V)/166 dated August 26, 2004 addressed to the Joint Director, Intelligence Bureau, Ministry of External Affairs, Government of India, a fresh list of 18 files available with the Intelligence Bureau on Micro-film purported to be relevant to the inquiry of the Commission has been sent to the said Joint Director who has been requested to get those files ready under intimation to this Commission to enable the Commission to examine those files without any more loss of time. Further intimation of the Intelligence Bureau in the matter is awaited.



The Director (S), Ministry of Home Affairs, Government of India, has again been requested to take effective steps so that the File No.10/22/CM-68 is sent to the Commission without any further delay. He has also been requested that if the contents of the said file are still classified as Secret, the competent authority should be moved so that the file may be made available to the Commission at least for the perusal of the Hon'ole Chairman as was done earlier in the case of more than one file in respect of which privilege has been claimed by the Ministry of Home Affairs, Government of India (vide d.o. letter no. JMCI/Records/ND/99-2000/37(IV)/106 dated July 12, 2004 of the Secretary addressed to the Director (S), Ministry of Home Affairs, Government of India. The response of the Ministry is still awaited.

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- In d.o. letter No.JMCI/Records/ND/99-2000/37(IV)/170 dated August 26, 2004 of the Secretary of the Commission addressed to the Director (CNV), Ministry of External Affairs, Government of India, his attention has been drawn to the photo-copy of the note dated 02.12.1954 of Shri M.O. Mathai which was endorsed to the then Joint Secretary (AD), Shri Prem Krishan under P.M.'s Sectt. U.O. No. D/S 13170 dated 02.12.1954 as could be found in the photo-copy of the top secret File No. 23(11)/56/57/PM of the P.M.'s office (Political Section) on the subject, "INA Treasure" wherefrom it appears that the Ministry of External Affairs received a small amount of Rs.200/- and odd along with the ashes and other remains of "Late Shri Subhas Chandra Bose" from the Indian Embassy in Tokyo and the Director (CNV) has been requested to report on the following points.
  - i. When and under what circumstances were the alleged ashes of Netaji received by the Ministry of External Affairs from the Indian Embassy in Tokyo as mentioned in the aforesaid note dated 02.12.1954?
  - ii. Where were the ashes and other remains mentioned in the said note dated 02.12.1954 preserved?
  - iii. If not preserved, what did happen to those ashes and remains?

The reply of the Ministry of External Affairs, Government of India, is awaited.

#### No.VI/11034/18/98-IS(V)/NCB-II(Part-II) Government of India Ministry of Home Affairs

New Delhi, dated the September, 17, 2004

To

The Ministry of External Affairs, p.B. 1/04 South Block, New Delhi.( Attention: Shri L.D. Ralte, Director(CNV)

P.M. Office, South Block, New Delhi. (Attention: Shri V. Vidyavathi, Dy.Secy.)

P.R. 12/01 (3) National Archives of India, New Delhi.

> Subject: Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.2004.

Sir,

I am directed to refer to the Justice Mukherjee Commission of Inquiry letter No.JMCI/Admn/99-2000/32(II)/196, dated 07.9.2004(copy enclosed) on the subject mentioned above and to say that the Commission has sought extension on various grounds/reasons and showing pending issues against MEA, PMO, MHA, and NAI.

It will be very much appreciated if the comments/views on the issues/reasons concerning to your Ministry/Departments may be furnished to this Ministry to enable us to take further action in the matter.

This may be treated as Most Uregent.

Yours faithfully,

Encl. As above.

DIRECTOR

88

## PRIME MINISTER'S OFFICE

Subject: Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.2004

Reference is invited to MHA letter No.VI/11034/18/98-IS(V)/NCB-II(Part-II) dated 17.09.2004 on the above subject.

- 2. This office has already made available to the Commission whatever files belonged to this office and could be located in this office records. Affidavit dated 18.12.2001 signed by Joint Secretary, PMO has also been filed to this effect.
- 3. The factual position with regard to Files/papers referred to in Para-5, 7 & 14 of JMCI letter No.JMCI/ADMN/99-2000/32(II)/196 dated 07.09.2004 [i.e. the letter enclosed with MHA's letter cited above], which are related to PMO, has been explained in the attached statement.

390/NCB-BOY

[Renuka Kumar] Director

Tel: 23018485

Ministry of Home Affairs [Shri U.K. Kalra, Director]

PMO ID No.915/11/C/2/2000-Pol Dated: 27.09.2004

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# PRIME MINISTER'S OFFICE

STATEMENT SHOWING FACTUAL POSITION W.R.T. POINTS RAISED IN JUSTICE MUKHERJEE COMMISSION OF INQUIRY'S

# LETTER NO.JMCI/ADMN/99-2000/32(II)/196 DATED 07.09.2004

S. N.	DOCUMENT ASKED FOR	SENT TO JMCI VIDE LETTER NO. & DATE	REMARKS
1.	File No.12(226)/56-PM Refer Para-5(a) of letter	JMCI was informed vide PMO letter No.915/11/C/2/ 2000-Pol dated 04.07.2000 that the file has been destroyed.	Receipt of PMO letter dated 04.07.2000 was acknowledged by JMCI vide letter No. JMCI/Documents/99-2000/37/153 dated 11.07.2000.
2.	File No.23(156)/51-PM Refer Para-5(b) of letter	JMCI was informed vide PMO letter No.915/11/C/2/ 2000-Pol dated 04.07.2000 that the file has been destroyed.	Receipt of PMO letter dated 04.07.2000 was acknowledged by JMCI vide letter No. JMCI/Documents/99-2000/37/153 dated 11.07.2000.
3.	Papers about 'Some further contemporary official documentary records' as admitted by Late Morarji Desai in Parliament on 28.08.1978  Refer Para-5(c) of letter	JMCI was informed of the factual position vide PMO letter No.915/11/C/2/2000-Pol dated 22.03.2002 that the file has been destroyed.	The position was also explained vide Affidavit dated 18.12.2001, forwarded to JMCI vide letter No.915/11/C/5/2000-Pol dated 19.12. 2001
4.	File No. 2(381)/60-66- PM [and not as 21(381)/60-66-PM] Refer Para-5(h) of letter	JMCI was informed vide Affidavit dated 29.11.2000 [Para-12] that the file is not traceable and that the renewed efforts to trace the same have not borne fruit.	Receipt of Affidavit dated 29.11.2000 was acknowledged by JMCI vide their letter No. JMCI/ Meeting-Hearing/99-2000/57/389 dated 06.12.2000.
5.	File No. 870/11/P/16/ 92-Pol Refer Para-7(a) of letter	Photocopy of the entire file was sent to JMCI vide PMO letter No.915/11/C/2/2000-Pol dated 25.07.2000.	

	- 2 -					
6.	File No.2/64/78-PM Refer para-7(b) of letter	Photocopy of the entire file was sent to JMCI vide PMO letter No.915/11/C/2/2000-Pol dated 04.07.2000.	Receipt of PMO letter dated 04.07.2000 alongwith said file was acknowledged by JMCI vide letter No. JMCI/Documents/99-2000/37/153 dated 11.07.2000.			
7.	File No.870/11/P/11/ 95-Pol [and not as 870/11/P/95-Pol] Refer Para-7(c) of letter	Photocopy of the entire file was sent to JMCI vide PMO letter No.915/11/C/2/2000-Pol dated 25.07.2000.	Receipt of PMO letter dated 25.07.2000 alongwith said file was acknowledged by JMCI vide their letter No. JMCI/Meeting-Proceedings (Follow up) /48/181 dated 02.08.2000.			
8.	File No. 23(11)/56/57-PM  Refer Para-14 of letter	Photocopy of the entire file was sent to JMCI vide PMO letter No.915/11/C/2/2000-Pol dated 04.07.2000.	Receipt of PMO letter dated 04.07.2000 alongwith said file was acknowledged by JMCI vide letter No. JMCI/Documents/99-2000/37/153 dated 11.07.2000.			

Further, in the Affidavit dated 18.12.2001 signed by Joint Secretary, PMO, it has already been stated that "whatever files belonged to this office and could be located in our office records have already been made available to the Commission. We are not aware to which Ministry and Department remaining files/documents belonged"

ः राष्ट्रीय अभिलेख Grams: ARCHEION

F.No.9-2(5)/2001-P.A. राष्ट्रीय अभिलेखागार भारत सरकार जनपथ, नई दिल्ली-११०००१ NATIONAL ARCHIVES, GOVERNMENT OF INDIA, JANPATH NEW DELHI-110001

Dated the....

To

Shri U.K. Kalra Director, Ministry of Home Affairs, North Block, New Delhi

Subject:- Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.2004.

Sir,

Please refer to your letter No.VI/11034/18/98-IS(V)/NCB-II (Part-II) dated September 17th, 2004, on the aforementioned subject.

As regards matter (Para 5(d)) relating to National Archives of India in the letter received from Secretary, Justice Mukherjee Commission of Inquiry, I would like to inform you that this department has already provided xerox copies of INA file No.273 to the Hon'ble Commission vide our letter No.F.9-2(19)/99-PA dated 19th May, 2000 & they have also acknowledged the receipt of the same alongwith other files vide their letter No.JMCI/Meeting/99-2000/48/106 dated 5<sup>th</sup> June, 2000(copies enclosed).

Further, I would like to inform you that reference about supply of xerox copies of the aforementioned file along with other files to Justice Mukherjee Commission of Inquiry was again given this Department letter No.F.9-2(5)/2001-P.A. dated 13<sup>th</sup> July, 2001 addressed to Ministry of Home Affairs and copy of same was endorsed to the Secretary of the Hon'ble Commission.

Yours faithfully,

(S.M.R. Bagar) Deputy Director of Archives.

Government of India.

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S.M.R.BACAR; Deputy Director of Archives,

Tel.No.: 3389027. Fax.No.: 3384127.

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D.O.No.-F.9-2(19)99.P.A.

19 MAY 2000

Doar Shri Sengupta,

Kindly refer to your letter No.JMCI/Admn./99-2000/32/72 dated 10.05.2000. As desired, I am enclosing herewith xerox copies of 3 I.N.A. files bearing F.No.249/INA, F.No.273/INA and F.No.282/INA for your kind perusal.

With kind regards.

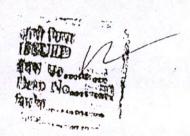
Yours sincorely,

Encl. - 3 vols.

O/C (S.M.R. BAGAR)

Sh. P.K. Sengupta,
WBHJS, Secretary,
Justice Mukherjee Commission
of Inquiry,
'B' Block (3rd Floor),
11/A, Mirza Ghalib Street,
Calcutta-700087.

Fax. No.-033216-2765



SIMORV FRI

JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Calcutta 700 087

Phone: 216-2765-68 & 216-2835 Fax: 216-2765

National Archives of Incha

पंजीकृत संख्या

डायरी संख्या

Regd. No ..

No. JMCI/ Meeting/99-2000/48/106

Calcutta, dated, the 05.06.2000.

From : Shri M. Roy, IAS, (Retd.), Officer on Special Duty

: Shri S.M.R. Bagar, OT Deputy Director of Archives, National Archives, Government of India, Janpath, New Delhi-110001.

Sir.

I am directed to refer to your D.O. No.F-9-2(19)/99 Pi dated 19th May, 2000 and D.O. of even No. dated 31,05,2000, which has been wrongly typed as 31.05.99, and acknowledge receipt of the Xerox copies of 12 files (3+9) bearing Np. (1) F.No.249/INA, (2) F.No.273/INA, (3) F.No.282/INA,

- (4) F.No. 8/15/46-Poll (1), (5) F.No.16/3/45-Poll,
- (6) K F.No. 8-18/46-Poll, (7) F.No.8-2/47 Poll (I),
- (8) F.No.138/INA, (9) F.No.265/INA-Pt.I, (10) F.NO.379/INA Pt. LXXIX, (11) F.No.75/INA, and (12) as also a copy of one speech dated August 18, 1945 of Netaji Subhas Chandra Bose.

I am further directed to say that those copies of files/documents are being scrutinized for verification of the contents thereon.

Yours faithfully,

(M. Roy)

Officer on Special Duty

### No.VI/11034/18/98-IS(V)/NCB-II(Part-II) Government of India Ministry of Home Affairs

New Delhi, dated the October, 13, 2004

To

 The Ministry of External Affairs, South Block, New Delhi. (Attention: Shri L.D. Ralte, Director(CNV)

**Subject:** Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.2004.

Sir,

I am directed to refer to this Ministry's letter of even number dated 17,9,2004 forwarding letter No.JMCI/Admn/99-2000/32(II)/196, dated 07.9.2004 on the subject mentioned above and to say that the Commission has sought extension on various grounds/reasons showing pending issues against MEA, PMO, MHA, and NAI.

It will be very much appreciated if the comments/views on the issues/reasons concerning your Ministry/Departments may be furnished to this Ministry to enable us to take further action in the matter.

This may be treated as Most Uregent.



Yours faithfully,

(U.K. KALRA) DIRECTOR 455/NOR-12/10 4095/NOR-12/10

### CONFIDENTIAL

# Ministry of External Affairs (NGO Section)

\*\*\*

<u>Subject: Extension of term of Justice M.K.Mukerjee</u> Commission of Inquiry beyond 14.11.2004.

MHA may kindly refer to their U.O. note no. VI/11034/18/98-IS(V)/NCB-II, dated 17.09.2004 and 13.10.2004, seeking inputs for processing case for further extension of term of the Justice Mukherjee Commission of Inquiry (JMCI) beyond 14.11.2004.

2. Parawise comments on items relevant to the Ministry of External Affairs are given in the enclosed sheet.

(L.D.Ralte)
Joint Secretary (CNV)

Ministry of Home Affairs (Shri U.K.Kalra, Director, NCB-II Section), North Block, New Delhi.

MEA U.O no. 25/4/NGO-Vol XII, dated 21 October 2004

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#### ANNEXURE

# CURRENT STATUS OF VARIOUS ISSUES PERTAINING TO MEA RAISED IN JMCI LETTER NO. JMCI/ADMN/99-2000/32(ii)/196 DATED 07 SEPTEMBER 2004

#### PARA 6 (a):

JMCI query regarding result of inquiry initiated by the Viceroy [Official paper-bearing No.5190- an extract from a Note of Discussion between Lord Wavell, the then Secretary of State and R. Arthur Henderson held on 27 August 1945]

#### • PRESENT STATUS IN MEA:

Relevant details and copies of documents obtained from our Mission in London, as indicated below, were forwarded to JMCI vide our letter no. 25/4/NGO-Vol.XII, dated September 30, 2004.

#### Details:

A representative of our High Commission in London made visits to the British Library and National Archives to obtain information on the issues raised by the JMCI. An exhaustive search was made with the help of Research Advisers at both the places, to locate the relevant information, on the electronic, microfilms as well as printed material like old files and books. However, the representative could not find any relevant material relating to the Inquiry initiated by the Viceroy as mentioned in document no.5190. Similarly, there was no mention about Netaji or the INA in the secret files from Churchill's private office papers that were available at the National Archives. The following papers having some information on Netaji and the INA were photocopied and have been passed on to the JMCI:-

- Extract from New Scotland Yard Report No. 305 dated 29.8.45
- Extracts from Note by Military Intelligence dated 14.9.45
- Loose Minute of MI2 regarding Death of Netaji dated 20.1.47
- · Statement of Mr. Yoshimi, Medical Captain of the Imperial Japanese Army on the death of Netaji

#### PARA 6 (b to g) & PARA 7 (a to c):

These matters appear to have been handled in MHA / PMO files under Khosla Commission.

#### JMCI LETTER NO. JMCI/RECORDS/NI 99-2000/37(IV)/170 DATED 26 AUGUST 2004

[Regarding photo-copy of note dated 2.12.1954 of Shri MO.Mathai......]

#### PRESENT STATUS IN MEA:

Available records in MEA are being scrutinized and reply is being processed separately in this regard.

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JMCI LETTER NO. JMCI/EO/2002003/83 (iii)/93 DATED 28.06.2004. [Regarding confirmation whether Chief Priest of Renkoji Temple has been formally requested to make available the alleged ashes to the experts......]

#### PRESENT STATUS IN MEA:

JMCI has already been informed vide Ministry's letter no. 25/4/NGO-XI dated 31 May 2004 that Rev Mochizuki, the Head Priest of the Renkoji Temple in Tokyo had conveyed to our Ambassador in Tokyo that even though he has reservations from the spiritual angle, he has no objection to a DNA test being conducted on the mortal remains in his custody. It was further conveyed that if the DNA test confirms the remains to be those of Netaji, he would be willing to hand over to India the casket containing the ashes, but he would also like to keep a portion of the remains in the Renkoji Temple in Tokyo.

JMCI was also informed therein that a formal request would be made to the Head Priest, once the decision to conduct the DNA test is finalised.

#### PROPOSED VISIT OF JMCI TEAM TO RUSSIA

The Indian Embassy in Moscow had initiated action for making arrangements for the visit as required by the JMCI. The Russian Institute of Oriental Studies, Moscow who had been approached for a meeting, had requested that the dates of the JMCI team's visit be reconfirmed urgently, particularly in view of the scheduled meeting that was slated to take place at the Institute on September 22, 2004. The Institute had emphasised that an earliest possible reconfirmation on this would assist them in sending out in time, invitations to concerned scholars for the meeting. It was been pointed out that many of these scholars are from places outside Moscow.

Subject to final convenience of the JMCI team to arrive in Moscow on September 21, 2004, the meeting at the IOS, Moscow was tentatively scheduled on September 22, 2004 while the meeting with Prof. Y.V.Vassilkov of IOS in St.Petersburg was scheduled on September 23, 2004.

Our Mission in Moscow was awaiting confirmation from the Russian Foreign Office with regard to the JMCI request for access to Archives in Russia at that time [The Russian Foreign Office has subsequently informed that the information sought on Netaji Subhas Chandra Bose was not found in the Central Archives of the Federation Security Service of Russia- This has been conveyed to JMCI].

It was informally conveyed by Secretary JMCI that the visit of the team to Russia was being postponed indefinitely and that the Team's visit to only select Asian countries viz. Singapore, Taipei, Saigon, Bangkok and Kuala Lumpur, was being contemplated from November 15-30, 2004.

# • PROPOSED VISIT OF JMCI TEAM TO SINGAPORE, TAIPEI, SAIGON, BANGKOK AND KUALA LUMPUR FROM NOVEMBER 15-30, 2004.

Our Missions in **Singapore**, **Hanoi**, **Bangkok and Kuala Lumpur** were informed of the proposed visit of the team and have been requested to make all necessary logistic arrangements like accommodation, transport etc. Both MHA and JMCI have also been regularly updated with the feedback received from the respective Indian Missions, as under:-

#### BANGKOK:

While confirming that the requisite arrangements will be made for the team's visit, our Mission in Bangkok has also conveyed that one Mr. Kapasi, who is the only person to have responded to the public notice issued by the Mission, will be in a position to give information on Netaji Subhas Chandra Bose and will be in Bangkok during the period 15-30 November, 2004.

#### SINGAPORE:

Meanwhile our Mission in Singapore has indicated that no worthwhile purpose is likely to be served by the proposed visit of the JMCI team, as the Mission does not have any substantive meetings to arrange. The following reasons have been cited in this regard:-

- The Notices brought out by the Mission in the English, Tamil and Mandarin language dailies in Singapore in October 2003, did not elicit any significant response, except for a phone call from a local resident who conveyed that he had already submitted his views and evidence to Justice G.D.Khosla in 1971. A copy of his evidence received by fax in the Mission was forwarded to JMCI vide No. 25/4/NGO/-Vol.X, dated 24 February 2004.
- The Singapore Foreign Ministry had also separately informed our High Commission in Singapore that they did not have any information regarding the existence of an Indian National Army office in Singapore.
- The Mission had made unsuccessful attempts to contact Mr. Joseph C.Pereira, a Singapore national who had provided feedback to our Mission in Ho Chi Minh City on the family of Mr. Gerald De Cruz (personal assistant to Netaji in Saigon during the period 1943 to 1945) and author of the book "Kojak Rebels". [It may be mentioned here that our Mission in Yangon, Myanmar is making efforts to obtain a copy of the said book from Mr. Gerald De Cruz's son- Mr. Simon Tensing De Cruz who is presently Singapore's Ambassador to Myanmar].

JMCI has been requested to reconsider its plan to visit Singapore. In case, it was felt that the team should indeed visit Singapore, JMCI has been requested to identify and intimate in advance, the specific meetings that are being sought by the team during its stay there, so that the Mission could be advised accordingly.

#### **KUALA LUMPUR:**

As regards the visit to Kuala Lumpur, it is pointed out to JMCI that the National Archives of Malaysia (NAM) had clearly conveyed to the Indian High Commission in March 2004, that it was unable to furnish any information on Netaji Subhas Chandra Bose. This was done after the Mission had taken up the matter **again** with the National Archives of Malaysia. A copy of the response received from the NAM was forwarded to JMCI vide letter no. D.O. No. 25/4/NGO-Vol.X dated March 29, 2004. Earlier, Ministry had informed JMCI of the demise of Shri Amrik Singh Gill, formerly a member of the Indian National Army who was reported to be living in Kuala Lumpur.

While the Mission had indicated that it will once again make an attempt to contact the National Archives of Malaysia and Shri Dato G.S.Gill (brother of deceased Shri Amrik Singh Gill) for more information, JMCI has been requested to identify and intimate in advance, any other specific meetings that are being sought by the team during its stay in Kuala Lumpur, so that the Mission could be advised accordingly. It has been conveyed that the Mission will make logistic arrangements like accommodation, transport, reception etc. for the JMCI team on receipt of the final travel programme.

**SECRET** 

**COPY NO:** 

### NOTE FOR THE CABINET

Subject: Extension of the term of the Justice Mukherjee Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose

#### 1. Introduction

1.1. As the report regarding the death of Netaji in a plane crash on 18.08.1945 was not universally accepted, it was decided, in April, 1956, to institute an inquiry committee, headed by Shri Shah Nawaz Khan, a close associate of Netaji, to ascertain the truth. The committee came to the conclusion that Netaji had died in the plane crash and his mortal remains were kept in Renkoji Temple in Japan. This finding was accepted by the Government but it was not accepted by some sections of the people.

1.2. Following persistent demands by a number of Members of Parliament for a fresh enquiry, a Commission of Inquiry, headed by Justice G. D. Khosla, was appointed in July, 1970. Justice Khosla Commission also concluded that Netaji had died as a result of the plane crash. The Cabinet accepted this finding in August, 1974, but it did not again receive universal acceptance.

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- 1.3. The matter continued to be raised in the Lok Sabha on a number of occasions with demand for a fresh inquiry. The question of bringing back Netaji's mortal remains was also raised. It was felt that this could be done only if public opinion favoured it.
- 1.4. In April, 1998, one, Shri Rudra Jyoti Bhattacharya, filed a writ petition in Kolkata High Court, demanding a fresh enquiry into Netaji's disappearance. The Kolkata High Court in its verdict dated 30.04.1998, issued directions for a vigorous enquiry by appointing, if necessary, a Commission of Inquiry as a special case for the purpose of giving an end to this controversy.
- 1.5. The West Bengal Assembly also, on 29.12.1998, adopted a motion demanding:

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose"

also

- 1.6. The State Government of West Bengal recommended setting up of an inquiry into the mysterious disappearance of Netaji Subhas Chandra Bose.
- 1.7. A meeting of eminent persons, was convened by the then Union Home Minister on 25.3.1999, to discuss the manner in which action

could be taken to give effect to the directions of the Kolkata High Court and motion of West Bengal Legislative Assembly. It was felt that, in order to take the matter to its logical end, it would be advisable to set up another Commission of Inquiry for the purpose of arriving at a definite conclusion. A note was, accordingly, prepared for consideration of the Cabinet.

# 2. Appointment of Justice Mukherjee Commission of Inquiry

2.1. The Cabinet, in its meeting held on 28-04-1999, considered a proposal submitted by the Ministry of Home Affairs, for appointment of a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose. A copy of the note considered by the Cabinet on 28-04-1999 is enclosed (Annexure-I). The Cabinet approved the proposal and a Commission of Inquiry under Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India, was appointed vide notification dated 14-05-1999 (copy enclosed as Annexure-II)

# 3. Terms of reference of the Commission

- 3.1 The Justice Mukherjee Commission of Inquiry is required to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose during 1945 and subsequent developments connected therewith, including the following:-
  - (a) whether Netaji Subhas Chandra Bose is dead or alive;

- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

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3.2. The Commission is also required to examine the manner in which the exercise of scrutiny of publications touching upon the question of death or otherwise, of Netaji can be undertaken by the Central Government in the circumstances.

### 4. Time frame for completion of the work by the Commission

4.1 In the notification dated 14-05-1999 regarding the appointment of the Commission, it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of the notification. The term of the Commission has, however, been extended regularly from time to time, based on requests received from the Commission. The present extension will end on 14-11-2004.



## 5. Expenditure incurred by the Commission

**5.1** The expenditure incurred by the Commission, year-wise, since its inception, is as under:-

Sl.No.	Year	Expenditure incurred(Rs. in lakh)
1.	1999-2000	17.57
2.	2000-01	29.24
3.	2001-02	33.67
4.	2002-03	33.29
5.	2003-04	33.91

During the current year, 2004-05, the expenditure incurred upto September, 2004 is Rs. 19.68 lakh against a budget provision of Rs 50 lakh.

### 6. Proposal submitted by the Commission for further extension

**6.1** The Commission has, vide its letter dated 07-09-2004(copy enclosed at Annexure III), informed that it is not in a position to complete its inquiry within the stipulated period of 14-11-2004. The Commission has requested for a further extension of one year beyond 14-11-2004.

# 7. Clarification obtained from the Commission

7.1 In connection with the proposal for further extension of the Commission's term, the Commission was requested to specifically indicate the extent of work done by the Commission so far, work remaining to be done and the projected time frame for completion of the

inquiry. The reply received from the Commission on these points is briefly indicated in the succeeding paragraphs.

### 7.2. Extent of work done

# In this regard, the Commission has informed as follows: -

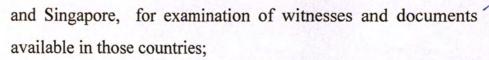
(a) Total number of documents marked as exhibits	
(b)Total number of materials marked as material exhibits	: 97
© Total number of witnesses examined	: 119
(d) Number of affidavits filed by deponents	: 73
(e)Number of deponents and co-deponents in the affidavits at serial number (d) above	: 79

(f) Many voluminous documents/printed matters/ books including foreign documents and those received from Government of India and the Government of West Bengal have been examined.

# 7.3. Work remaining to be done by the Commission

In this regard, the Commission has informed that:

- (i) The present whereabouts of the relevant witnesses examined earlier outside India as also of those mentioned anew reportedly living abroad are yet to be received by the Commission;
- (ii) The Commission is yet to receive certain documents from foreign countries;
- (iii) The Commission proposes to visit some relevant foreign countries such as Russia, Taiwan, Vietnam, Thailand, Malaysia



- (iv) The evidence of the remaining Indian witnesses including Indian experts is to be taken;
- (v) The deponents have to be extended opportunities to get copies of all the relevant documents, which have been called for by the Commission but are yet to be received. Thereafter, the deponents have to be given opportunities to offer their arguments;
- (vi) DNA testing of the alleged mortal remains of Netaji kept in the Renkoji Temple in Japan is yet to be done.

# 7.4. Projected time frame for completion of inquiry

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The Commission has intimated that it is likely to prepare its report within a period of about three months after the completion of the work remaining to be done.

- 7.5. The Commission has indicated that, because of the following constraints, it is not able to project a fixed time frame for completion of its inquiry and has requested the Government of India to give further extension of one year beyond 14.11.2004:
  - i) The subject matter of enquiry is more than half a century old; the country in which the alleged air crash took place, has no diplomatic relations; the places where the relevant witnesses and documentary evidences are likely to be available, are in

foreign countries, far away from India, and the desired response of those foreign countries are not available.

ii) The Commission is yet to get clearance in respect of Commission's composite tour programme for Russian Union to enable it to examine the relevant archival documents and the relevant witnesses available there.

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- iii) The Commission's visit to Taiwan and other places in South East Asia, depends on the time of the proposed visit of the Commission to the Russian Union.
- iv) There has been little breakthrough in the vital matter of DNA testing of the alleged mortal remains of Netaji Subhas Chandra Bose allegedly kept in the Renkoji Temple in Japan, despite the efforts made by the Commission during the last two years.
- v) Particulars of suitable Indian scholars/students available in the USA to do the job of archival research at various American repositories of relevant historical documents relating to Netaji, are yet to be received. On identification of relevant documents, the Commission might visit USA.
- vi) The required documents/records/reports which are to be collected from the concerned Ministries/Departments, as also from foreign countries, are yet to be made available, failing which affidavits have to be filed indicating details of the efforts made to collect/procure them from the foreign countries and the circumstances under which those cannot be made available to the Commission.

# 8. Comments on the points raised by the Commission

- 8.1 The Commission has been requesting various Ministries/Departments such as Ministry of Home Affairs, Ministry of External Affairs, Ministry of Defence, PMO, Cabinet Secretariat, National Archives of India and IB to make available certain documents required by the Commission. All the available documents, classified or otherwise, relating to Netaji have already been made available to the Commission by these Ministries/Departments. In respect of the specific documents that are not available, necessary affidavits have been filed with the Commission by the concerned Ministries/Departments. Ministries of External Affairs and Home, have also been providing necessary assistance for visiting foreign countries whenever necessary.
- 8.2. It appears that the progress of work done by the Commission is slow and even after five and a half years, a lot of work still remains to be done. It will take a long time to complete the remaining work. For example, in the matter of DNA testing, even after two years of effort, the Commission has not been able to finalize the manner in which it will be done. Although, the Commission has asked for an extension of one year, it has also stated that it will take three months to prepare the report after completion of all the remaining work to be done. The reply of the Commission, therefore, is vague and the time frame indicated is open ended. There is little possibility that the Commission will be able to finalize its report in the foreseeable future.
- 8.3. However, as the work of the Commission can not be allowed to go on indefinitely in an open ended time frame, it is proposed to set a time

limit of another six months beyond 14.11.2004 for the Commission to complete and submit its report. The Commission may be informed to submit its report within this period.

### 9. Proposal for consideration

It is proposed to extend the term of the Commission for another six months beyond 14.11.2004. It is further proposed that the Commission may be informed that no further extension will be allowed. It should complete and submit its report within this period.

- 10. Approval of the Cabinet is solicited to the proposal contained in para9 above.
- 11. A Statement of Implementation Schedule is at Appendix.
- 12. This note has been seen and approved by the Home Minister.

Dated, the November, 2004

(Rakesh)
Joint Secretary(Security)



No: VI/11034/18/98-IS-V(NCB) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

## STATEMENT OF IMPLEMENTATION SCHEDULE

Subject: Extension of tenure of Justice Mukherjee Commission of Inquiry set up to enquire into the alleged disappearance of Netaji Subhas Chandra Bose

			and
Sl. No.	Gist of the decision required	Projected benefits/results	Time schedule for manner of implementation/reporting to Cabinet Secretariat
1.	Extension of the term of the Commission for another six months beyond 14.11.2004.		immediately after the extension is
2.	To inform the Commission that no further extension will be allowed and should complete and submit its report within this period.	the Commission and enable	

ANGITA GAIROLA MOINT SECRETARY

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

0.0.No. VI/11034/18/98.D(III)

New Delhi, the 21st April, 1999

I am sending herewith 45 copies each (in Hindi and English) of the Cabinet Note on appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. It is requested that this item may be included in the agenda for consideration by the Cabinet in its next meeting.

With regards,

Yours sincerely,

( Sangita Gairola )

Buk p-Buk No 10

Shri P. Gopalakrishnan, Deputy Secretary, Cabinet Secretariat, Rashtrapati Bhavan, NEW DELHI.

Encle. As allowe

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# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS \*\*\*\*

#### NOTE FOR THE CABINET

Subject: Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

#### 1. Background:

- Netaji Subhas Chandra Bose, one of India's greatest sons, described as a "patriot of patriots" by Gandhiji, was fiercely committed to the cause of India's freedom. He believed that the British had to, and could, be driven away through armed action. He founded the Azad Hind Sarkar and led the Indian National Army (INA), in the fight against the British. He tirelessly moved from Malaya to Singapore, to Burma to Japan mobilising support and planning tactics and succeeded in getting Japan to extend its aid. He was on one of his missions when his airplane crashed immediately after take-off in Taihoku (Formosa), on 18 August, 1945.
- 1.2 Netaji had by then created an undying image for himself amongst his countrymen and such was his aura, and the awe in which he was held, that the report of his demise in a hospital, following the crash, was not universally accepted and, in fact, there has been an agonising question mark over it.
- 1.3 Government of India took note of the sentiment of millions of Indians who debated the veracity of the report of the aircrash and his subsequent death. It decided to institute an enquiry to ascertain the truth. In April, 1956, it was headed by Shri Shah Nawaz Khan, a close associate of Netaji, and it comprised Shri Sisir Bose and Shri S.N. Maitra. A majority of this committee, after a full enquiry.

# GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

concluded that Netaji had indeed died in the plane crash and his mortal remains were kept in Renkoji Temple in Japan. The Government accepted this finding but it was not accepted by some sections of our people.

1.4 Demands were made by a number of Members of Parliament for a fresh enquiry. The Government of India, therefore, decided to set up a Judicial enquiry. In July, 1970, Justice G.D. Khosla was appointed to head this Commission of Inquiry. He completed his enquiry and he also concluded that Netaji had died as a result of the plane crash. The Central Cabinet accepted the finding of this Commission of Inquiry in August, 1974. But once again this finding did not gain universal acceptance such was Netaji's persona and his popular charisma.

# 2. Subsequent developments-Response of India's Prime Minister in 1978:

ground the Actional Thirty was not an

2.1 Shri Samar Guha, M.P., one of those with whom the report of Netaji's demise did not carry credibility, raised the matter in the Lok Sabha on a number of occasions and demanded another enquiry. On 28th August, 1978, Shri Morarji Desai, the then Prime Minister, responded to this in the Lok Sabha by stating that:

"the majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two repsorts and various important contradictions in the testimony of witnesses have been noticed. In the light of these doubts and contradictions and

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# GOVERNEMENT OF INDIA MINISTRY OF HOME AFFAIRS

those records, Government finds it difficult to accept that the earlier conclusions are decisive. At the same time, Government feels that no useful purpose would be served by having any further inquiry. I hope that in the light of this statement, my Hon. friend will withdraw his motion".

### 2.2 Shri Samar Guha replied as follows:-

"Sir, Today is a great day for the whole Indian people because a mortal sin, a treacherous crime that was committed against the epic hero of Indian freedom has been undone. If I say that Netaji was given burial, out of political conspiracy, it would not be an exaggeration. Although there was not an iota of doubt or any positive proof to the contrary that the plane crash was nothing but fake, and the alleged crash did not involve Netaji at all."

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#### 3. Immediate cause of action:

3.1 Much later arose the question of bringing back Netaji's mortal remains from Japan. It was felt that this could be done only if public opinion favoured it. While efforts to build such a favourable public opinion about this were to be undertaken, one Shri Rudra Jyoti Bhattacharjee of Calcutta filed Writ Petition No.281 in the Calcutta High Court in April, 1998 demanding a fresh enquiry into Netaji's alleged disappearance. A few other almost identical Writ Petitions were filed in the Supreme Court and the High Courts of Calcutta and Orissa. These touched upon issues like the 'posthumous' grant of the 'Bharat Ratna' to Netaji,

# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

whether he was declared a war criminal, under what circumstances his mortal remains can at all be brought back to India, etc.

- 3.2 The Calcutta High Court in its verdict dated 30.4.1998 on the Writ Petition of Shri Bhattacharjee issued directions for "a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Inquiry" as a special case for the purpose of giving an end to this controversy. The points on which the focus of the enquiry is to be directed are as follows:
  - "a) whether Netaji Subhas Chandra Bose is dead or alive;
    - b) if he is dead whether he died in the plane crash, as alleged;
    - c) whether the ashes in the Japanese Temple are ashes of Netaji;
  - d) whether he has died in any other manner at any other place and, if so, when and how;
  - e) if he is alive, in respect of his whereabouts.

The respondents shall follow for the said purpose the directions of this Court given in W.P. No.1805 of 1997 namely, to take the people of India in confidence.

Respondents shall at appropriate level examine/ scrutinise all publications pertaining to the matter as above and proscribe, if necessary, all

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# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

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such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement to violence.

Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above."

# 4. Resolution of West Bengal Legislative Assembly:

4.1 The West Bengal Legislative Assembly also, on 29.12.1998, adopted a motion demanding;

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose".

- 4.2 The full text is at Appendix-II.
- 4.3 The State Government has recommended setting up of an enquiry into the mysterious disappearance of Netaji Subhas Chandra Bose. Its letter is at Appendix-III.
- Exploring avenues to meet the developments-meeting of eminent opinion makers:
- Government of India took note of the judgement of the Calcutta High Court and the motion passed by the West

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# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTYRY OF HOMB AFFAIRS

Bengal Legislative Assembly. A meeting of eminent persons was convened by the Union Home Minister on 25.3.1999 to discuss the manner in which action be taken to give effect to the directions of the Calcutta High COurt and the motion of the West Bengal Legislative Assembly. The invitees were close associates of Netaji Subhas Chandra Bose as well as some other persons whose views would be crucial intaking a decision in the matter. Those who attended are Col. G.S. Dhillon, Dr. Sisir Kumar Bose, Justice (Retd) R.S. Narula, Dr. D.B. Kalmankar, Shri Soli Sorabji, Attorney General of India and representatives of the Prime Minister's Office, Ministry of External Affairs, Ministry Department of Education, Ministry of Law, and officials of the Ministry of Home Affairs. Col. Laxmi Sehgal invited, could not attend, but she sent her views which were circulated to all those who attended the meeting.

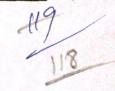
5.2 Discussions in the meeting were based on the personal knowledge and experiece of those present, the findings of the Shah Nawaz Khan Committee and the Khosla Commission. It was ultimately felt that in order to take the matter to its logical end and that also once for all, it would be advisable to setup another Commission of Inquiry as a very special case for the purpose of arriving at a definite conclusion regarding Netaji Subhas Chandra Bose.

### 6. Proposed action plan:

6.1 It is, therefore, proposed to appoint a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952 to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. The terms of reference of the Commission are contained in the draft notification which is at Appendix-IV.

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# GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS



- 6.2 It is also proposed that the Chief Justice of India may be approached to suggest the name of a suitable person from amongst retired Judges of High Courts or the Supreme Court of India to conduct the enquiry.
- 6.3 It is further proposed to have a number of posts created viz one post of Chairman; one post of Secretary; one post of Officer on Special Duty and 21 other posts representing the supporting staff in the scales of pay indicated against each post in the statement at Appendix-V with a view to enable the Commission to commence functioning without undue delay. The number of posts projected at Appendix-V, depending upon the functional requirement once the Commission gets going, may go up further. This additional requirement of further posts also needs to be kept in view.

### 7. Approval sought:

- 7.1 Approval of the Cabinet is therefore solicited to the following:-
  - (i) Appointment of a Commission of Inquiry as proposed in para 6.1 and 6.2 above and;
    - (ii)Creation of initial requirement of supporting staff for the Commission as contained in para 6.3 above.
- 8. A statement of implementation schedule is at Appendix-I.

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# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS



g. The views of the Ministry of Law, Justice and Company Affairs were sought in the matter and are yet to be received. Their views may be ascertained in the meeting.

10. Views of Ministry of Finance have been obtained (Appendix-VI). The overall financial implication for the creation of posts as proposed at Appendix-V works out to approximately Rs. 38,80,000 p.a. Specific proposals for creation of posts would be moved on file separately to Ministry of Finance (Department of Expenditure) once the proposal is approved.

11. This note has been seen and approved by the Home Minister.

(NIKHIL KUMAR) Special Secretary(ISP)

Date: 21st:April, 1999

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FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

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#### STATEMENT OF IMPLEMENTATION SCHEDULE

Subject: Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

List of the decisions required Projected benefits/results

Time schedule for implementation/reporting Cabinet Secretariat.

Directions of the Cabinet are solicited for appointing a Commission of Inquiry under the Commissions of Inquiry Act, 1952 ( 60 of 1952) to inquire into the alleged disappearance of Netaji Subhas Chandra Bose and creation of posts with regard thereto.

The inquiry will give an end to the controversy of alleged disappearance of Netaji Subhas Chandra Bose.

Steps for appointment of t will be tak Commission immediately on Cabinet approval.

(NIKHIL KUMA

Special Secretary (IS

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FILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

\* \* \* \*

CONTENTS OF THE MOTION AS ADOPTED BY THE WEST BENGAL LEGISLATIVE ASSEMBLY ON 24,12.98.

this House notes, with grave concernthat the people and scholars of India are still in the dark about the mysterious disappearance of Netaji Subhas thandra Bose during the Second World War;

that different statements were made on the floors of arliament at different times regarding whereahouts of

metaji Subhas Chandra Bose;

that the judicial pronouncements of the Supreme Court and High Court in India created more suspicions in the inds of people of India regarding Netaji's alleged death in the plane crash; and

that the records and documents in different countries of Europe, America, Far East and South East Asis and also India regarding the mysterious disappearance of Netaji Subhas Chandra Bose after alleged plane crash have not been made available to the people and scholars of India.

This House is of the opinion-

that the report of the death of Netaji Subhas Chandra lose on an alleged plane crash has not been proved beyond loubt: and

that the report of the two Commissions of Enquiry set by the Government of India are not believed by the people and scholars of India.

This House, therefore, through the State Government emands that the Government of India should make necessary transpersents for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the thereabouts of Netaji Subhas Chandra Bose.

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FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

: 11 :

Government of West Bengal Department of Parliamentary Affairs

Dated 6th April. 1999.

R.P.S. Kahlon, LAS Joint Secretary. Parliamentary Affairs Department, Government of West Bengal.

Shri A. K. Painindi, IAS Director, Internal Security, Ministry of Home Affairs, Government of India. Fax No. 011- 301 5750.

Hear recall your telephonic conversation with Principal Secretary, Home and Home Government of West Bengal on 5th April, 1999 regarding the setting up of a. A Sustain of Enquiry into the mysterious disappearance of Netaji Sublus Chandra Bose. A regarding this subject was adopted in the West Bengal Legislative Assembly on и 14 1998

The State Government recommands setting up of an inquire into the mystorious wance of Netari Subhas Chandra Bose.

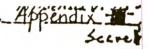
Yours fait sfully,

(R.P.S. Kuhlco) Joint Secretary.

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# FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

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(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION(11) OF THE GAZETTE OF INDIA, EXTRAORDINARY DATED )

#### GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi, the

Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash.

And, whereas there is a wide spread feeling among the public that the problem of finding the truth about Netaji's death still remains.

And, whereas there has been a consistent demand for a further inquiry into the matter.

And, whereas the Calcutta High Court also directed Government of India to launch a vigorous inquiry, if necessary by setting up of a Commission of Inquiry for the purpose of giving an end to the controversy.

And, whereas a resolution has been passed in West lengal Assembly wherein a demand has been made for a further inquiry into the matter.

And whereas the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making inquiry into a definite matter of a public isportance, namely the disappearance of Netaji Subash Chandra use in 1945.

Now, therefore, in exercise of powers conferred by action 3 of the Commission of Inquiry Act, 1952(60 of 1952),

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1. The Commission shall inquire into all the facts and droumstances related to the disappearance of Netaji Subhas handra Bose in 1945 and the subsequent developments connected therewith including:-

- (a) whether Netaji Subash Chandra Bose is dead or alive:
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;

(e) If he is alive: in respect of his whereabouts:

The Commission Shoul also examine the manner in ethich the exercise

of Scrutiny of Publications touching upon the question of death

or otherwise of Netapi Coule undertaken by the Gott in the tiren-stances

The Commission shall submit its report to the Central wernment as soon as possible but not later than 6 months on the date of publication of this Notification.

The headquarters of the Commission shall be at New hi, and/or any other place determined by the Commission.

The Central Government is of the opinion that, having mid to the nature of the inquiry to be made and other mumstances of the case, all the provisions of subtion(2), sub-section(3), sub-section(4) and sub-section(5) section 5 of the Commissions of Inquiry Act, 1952 (60 of a) should be made applicable to the said Commission and the rel Government, in exercise of the powers conferred by section(1) of the said section 5, hereby directs all the define of the said sub-section (2) to (5) of that section 1 apply to the Commission.

(file No. VI/11034/18/98-1S(D.III)

Spl. SECRETARY

FILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

List of the lentative staff required for E AFFAIRS for the Communition.

(314)

tion & Scale of Pay	Date	No.of Post
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on Special Duty		. 1
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00-9000)		1
• . 0-4,590)		2 17
1 Pvt.Secy. 000-15,200)		1
Secretary 0-10,500)		2
-'C' 00-9,000)		2
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	n (Rs.30,000 fixed) ry(Rs.14,300-18,300) on Special Duty 750-16,500) aster 000-15,200) officer 00-10,500) ant 00-9000) officer 00-9000) secretary 00-10,500)	on Special Duty 750-16,500)  aster 700-15,200)  Officer 700-10,500)  ant 700-9000)  One 700-15,200)  Secretary 700-10,500)  Total 700-9,000)

## FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

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15. Safaiwala (Rs.2550-3200)

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16. Bailiff

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APPENDIX-VI

File No. VI/11034/18/98.D(III) Ministry of Home Affairs

\* \* \* \*

CABINET NOTE ON APPOINTMENT OF A COMMISSION OF INQUIRY TO ENQUIRE INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

Analysis of the Comments received from Ministry of Finance, Department of Expenditure

Two enquiries, first in 1956 and The present Commission under second in 1970 have already been the Commission of Inquiry Act 1. conducted holding that Netaji had died. It is doubtful if after a lapse of so many years a fresh enquiry would yield different results. The setting up of another Commission seems

avoidable.

Comments

S.No.

MHA's clarification

- is being proposed in compliance of the judgement of the Calcutta High Court on Writ Petition No. 281 and a Motion adopted in the West Bengal Legislative Assembly on 29.12.98, which has been duly recommended by the West Bengal Government.
- No tenure for the Commission of Inquiry has been prescribed. This is required so as to assess the financial implications.

The draft notification (Appendix-IV) prescribes a term of 6 months for the Commission.

Budgetary support required has not been indicated and is required to be brought out.

Approximately, an amount Rs. 38,80,000 per annum will be required on account of salary the Chairman and for officers/staff mentioned in the statement at Appendix-V. However, this is the initial requirement for enabling the Commission to commence and may go functioning, further depending on the actual requirement.

In keeping with the Department of Expenditure's O.M. dated 8.10.1987 relating to terms and conditions of retired judges appointed as Chairman/Members of Commissions of Inquiry, the pay scale for the Chairman would be Rs. 30,000/- only if he is a retired judge of the Supreme Court or Chief Justice of a High Court.

The proposal contained in para 6.2 viz. to appoint a person from amongst retired Judges of High Courts or the Supreme Court of India to conduct the enquiry is tentative and would depend on the approval of the Cabinet.

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#### SECRET

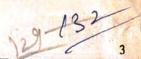
File No. VI/11034/18/98.D(III)
Ministry of Home Affairs

\* \* \* \*

As regards creation of other posts, the proposal should be referred on file bringing out full functional justification for creation of each post duly supported by matching savings.

A specific proposal will be moved on file separately for the creation of the posts bringing out full functional justification for creation of each post and will be referred to the Ministry of Finance, Department of Expenditure, after approval in principle by Cabinet.

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की उप धारा § 2 § , उप धारा § 3 § , उप धारा § 4 § और उप धारा § 5 § के सभी उपबंध उक्त आयोग को लागू किए जाने चाहिए और केन्द्रीय सरकार उक्त धारा 5 की उप धारा § 1 § द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उस धारा की उक्त उप धारा § 2 § से § 5 है तक के सभी उपबंध आयोग को लागू होंगे ।

[फा. सं. VI/11034/18/98-आई.एस.(डी-III)]

निखिल कुमार, विशेष सचिव

#### MINISTRY OF AFFAIRS

#### NOTIFICATION

New Delhi, the 14th May, 1999

S.O. 339(E).— Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bongal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952(60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.



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- The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including: -
  - (a) whether Netaji Subhas Chandra Bose is -dead or alive;
  - (b) if he is dead, whether he died in the plane crash, as alleged;
  - (c) whether the ashes in the Japanese temple are ashes of Netaji;
  - (d) whether he has died in any other manner at any other place and, if so, when and how;
  - (e) if he is alive, in respect of his whereabouts.
- The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances. The property of the Central Government in the circumstances.
- The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.
- The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.
- The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of subsection(2), sub-section(3), sub-section(4) and sub-section(5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section(1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section witch saradwichni f shall apply to the Commission.

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[F. No. VI/11034/18/98-IS(D.III)] NIKHIL KUMAR, Spl. Secy.

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# the Gazette of India

असाधारण EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

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No. 2521

नई दिल्ली, शुक्रवार, मई 14, 1999/बैशाख 24, 1921 NEW DELHI, FRIDAY, MAY 14, 1999/VAISAKHA 24, 1921

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 14 मई, 1999

का.आ. 339(अ).— नेताजी सुभाष चन्द्र बोस के 16 अगस्त, 1945 के आसपास बैंकाक से प्रस्थान करने और एक विमान दुर्घटना के परिणामस्वरूप उनकी कथित मृत्यु तथा उससे जुड़े अनुवर्ती घटनाक्रम से संबद्ध स्थितियों की जांच करने तथा भारत सरकार को इसकी रिपोर्ट देने के लिए भारत सरकार दारा क्रमशः अप्रैल, 1956 तथा जुलाई, 1970 में गठित शाहनवाज़ खान समिति तथा खोसला जांच आयोग के निष्कर्ष यह थे कि नेताजी सुभाष चन्द्र बोस की मृत्यु एक विमान दुघटना में हुई है;

और जनता की यह व्यापक धारणा है कि नेताजी जी की मृत्यु के बारे में सच्चाई का पता लगाने का मुद्दा अभी भी यथावत् है ;

और इस मामले में आगे और जांच करने की निरंतर मांग रही है ;

और कलकता उच्च न्यायालय ने भी भारत सरकार को यह निदेश दिया है कि इस विवाद को समाप्त करने के प्रयोजन के लिए विधि के अनुसार विस्तृत जांच कराई जाए, यदि आवश्यक हो तो इस प्रयोजन के लिए जांच आयोग का गठन किया जाए;

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और पश्चिम बंगाल विधान सभा दारा 24·12·1998 को एक संकल्प पारित किया गया जिसमें नेताजी सुभाग चन्द्र बोस के पते-ठिकाने का रहस्योद्घाटन करने के लिए इस मामले में नए सिरे से जांच की मांग की गई है ;

और केन्द्रीय सरकार का यह मत है कि सार्वजनिक महत्व के निश्चित मामला, अर्थात् 1945 में नेताजी सुमाष चन्द्र बोस के गायब हो जाने की गहन जांच करने के प्रयोजन से एक जांच आयोग गठित किया जाना आवश्यक है ;

अतः, अब केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 १1952 का 60 की धारा 3 की उपधारा १1 है और १2 है वारा प्रवत्त शिक्तयों का प्रयोग करते हुए एक जांच आयोग गठित करती है, जिसमें भारत के उच्चतम न्यायालय के सेवा निवृत्त न्यायमूर्ति श्री एम0के0 मुलर्जी होंगे।

2 · आयोग 1945 में नेताजी सुभाष चन्द्र बोस के लापता होने से संबंधित सभी तथ्यों और परिस्थितियों और इससे संबंधित पश्चात्वर्ती घटनाओं की जांच करेगा जिसमें निम्निलिखत भी हैं :--

१क रें क्या नेताजी सुभाष चन्द्र बोस की मृत्यु हो गई है या वे जीवित हैं;

§स्त र्थे यदि उनकी मृत्यु हो गई है तो क्या विमान दुर्घटना में उनकी मृत्यु हुई है जैसांकि अधिकथित है ;

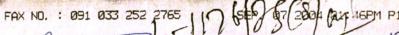
≬ग है क्या जापान के मिनदर में जो अस्थियां हैं, वह नेताजी की ही अस्थियां हैं ;

१ प१ क्या उनकी मृत्यु किसी अन्य प्रकार से किसी अन्य स्थान पर हुई है और यदि ऐसा है, तो पर ऋब और कैसे हुई ;

#### ्रेड • १ यदि वह जीवित हैं, तो उनके ठौर-ठिकाने के संबंध में जानकारी।

- अयोग उस तरिके की भी जांच करेगा जिसमें ऐसे प्रकाशनों की, जिनमें नेताजी की मृत्यु या अन्यथा दुर्बटना होने के प्रश्न अन्तर्वितत हैं, जांच पड्तात का कार्य केन्द्रीय सरकार दारा इन परिस्थितियों में आरंभ किया जा सकता है।
- 4 आयोग, अपनी रिपोर्ट केन्द्रीय सरकार की, यथाशीध्र, किन्तु इस अधिधूचना के प्रकाशन की तारीख से छह मास के भीतर प्रस्तुत करेगा।
- 5. आयोग का मुख्यालय नई दिल्ली में और/अथवा अन्य किसी स्थान पर होगा जैसा के आयोग निर्धारित करे ।
- 6 केन्द्रीय सरकार की राय है कि मामले की अन्य परिस्थितियों और की जाने वाली जांच के स्त्रहप को ध्यान में रखते हुए जांच आयोग अधिनियम, 1952 § 1952 का 60 § की धारा 5

FROM : JMCI



Ammerous III

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata-700087

FAX: 033-2252-2765

Phone:

Chairman - 2252-2835

Secretary - 2252-2767 Officer on

Special Duty -2252-2765 Office - 2252-2766/68

e-mail imcinscb@cal3.vsnl.net.in

No. JMCI/ADMN/99-2000/32(II)/196

September 07, 2004

From P.K. Sengupta Secretary

BY REGISTERED POST WITH A/D

To Shri Rakesh Joint Secretary (IS) Ministry of Home Affairs Government of India North Block New Delhi 110 001

Sir,

I am directed to refer to Commission's letter No. JMCI/Admn./99-2000/32(II)/443 dated February 17, 2004 addressed to you soliciting further extension of the term of Justice M.K. Mukherjee Commission of Inquiry for one year beyond May 14, 2004 for reasons explained and referred to in the said letter including those mentioned in Annexures 'B' and 'C' attached thereto. By Notification No. S.O.575(E) dated May 14, 2004 of the Ministry of Home Affairs, Government of India, published in the Gazette of India (Extraordinary) dated May 14, 2004, the term of the Commission was extended for a further period beyond May 14, 2004 but not later than November 14, 2004.

- 2. I am directed to state that the Commission is not in a position to complete its inquiry within November 14, 2004 as most of the reasons stated and referred to in the Commission's aforesaid letter dated February 17, 2004 as also stated in its earlier proposals for extension of the term of the Commission, still hold good.
- 3. Though some of the hurdles could ultimately be removed in the past by diligent and persistent endeavours of the Government of India on being untiringly pursued by the Commission for months after months and sometimes for years together, quite a number of other hurdles as explained and referred to in the Commission's letter

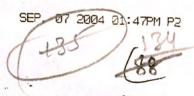
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No JMCI/Admn/99-2000/32(II)/443 dated February 17, 2004 are yet to be removed notwithstanding similar untiring and prolonged pursuance by the Commission.

- 4 I am also directed to draw your attention to the matters of sub-paras (a).(b),(c),(d),(e),(g), and (i) of para 7 of the Commission's aforesaid letter dated February 17, 2004 as also to the matters in para 3 of the Commission's Status Report for June, 2004, and paras 4(a) and (b), 5, 7(a) and (b), 9, 10, and 14 of its Status Report for August, 2004, which if read with the matters mentioned/reiterated in paras 5, 6, and 7 herein below, will fully explain why the inquiry of the Commission has essentially become a highly time-consuming exercise. Extracts of relevant paras of the Status Report for August, 2004 are enclosed.
- 5. Some of the Files/Records/Documents of the Government of India which could not ultimately be furnished by them to the Commission in spite of persuasion by the Commission are noted below:-
  - (a) File No.12(226)/56-PM reg: "Investigation into the circumstances leading to the death of Subhas Chandra Bose".
  - (b) 33 papers/notes from PMO's file No.23(156)/51-PM reg: "Disposal of properties of the INA in the Far East."
  - (c) "Some further contemporary official documentary records" as admitted by Late Morarji Desai, the then Prime Minister of India on the floor of the Lok Sabha on August 28, 1978 to "have also become available" (Reg: Disappearance of Netaji Subhas Chandra Bose).
  - (d) The original notes and documents (or authenticated copies thereof) the extracts from which are available in the INA File No.273 lying with the National Archives of India. The said file relates to the alleged death of Netaji on August 18, 1945 in a plane crash at Taihoku.
  - (e) The original or authenticated true copies of the documents/files/records produced/filed/made exhibits before Khosla Commission and the affidavits filed by the Government of India before the said Commission.
  - (f) Volume Nos. XX and XXI of Justice Khosla Commission as also signed and authenticated Vol. Nos. I to XVIII, XIX and XXII of the said Commission.

(g) Almost all original records of the proceedings of Shah Nawaz Khan Committee of Inquiry and almost all the evidence recorded by it and the documents produced/made exhibits before the said Committee.

- (h) File No.21(381)/60-66-PM regarding: "Proposal to bring Shri Subhas Bose's ashes from Tokyo and to put up a memorial of him in front of Red Fort in Delhi
- (i) Almost all the cocuments referred to in the affidavits/supplementary affidavits of different deponents.

196

- (j) Authenticated copy of the report dated 31.12.1945 of Shri B.C. Chakravarty on alleged death of Netaji in alleged plane crash on August 18, 1945 at Taihoku bearing counter-signature of Col. Stevenson and sent to the CSDIC.
- 6. Some of the Records/Files/Documents/Reports which could not be collected/procured from the foreign countries concerned by the Government of India as called for/requested by the Commission are noted below:-
  - (a) Classified relevant documents of the UK and the USA relating to Netaji Subhas Chandra Bose could not be got declassified by the Government of India to make them (or authenticated copies thereof) available to the Commission.
  - (b) No reports have been received from the Govt. of India regarding documents sent earlier by Shri Samar Guha to the Soviet Government which were acknowledged by them to have been received with the intimation that the Soviets were making inquiries. No report regarding the said documents and the said inquiries have been received from the Government of India.
  - (c) Details of verification actually made by the Government of India and the outcome thereof regarding the news of imprisonment of Netaji Subhas Chandra Bose in Russia could not be reported to the Commission as called for by it.
  - (d) Photographs taken of the scene of the alleged plane crash at Taihoku on August 18, 1945 as also photographs taken at the Hospital at Taihoku

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after the alleged death of Netaji were called for but not received from the Government of India

- (e) Jawaharlal Nehru's letters to the British Prime Minister during 1945 to 1947.
- (f) The original report (or authenticated copy thereof) of the Foreign Ministry, Government of India, marked as exhibit 29-J before Justice Khosla Commission of Inquiry.
- (g) Micro-film/Micro-Fiches of all documents relating to Netaji Subhas Chandra Bose lying in the custody of CIA/Office of the Strategic Services were called for from the Government of India but not received.
- 7. Some of the documents/reports/information etc. called for from the Government of India which could not be furnished to the Commission are noted below:

1

- (a) Report regarding originals of the Radio Messages dated 26.12.1945, 01.01.1946 and February, 1946 (no day of the month is mentioned) of Netaji Subhas Chandra Bose and the source of receipt of the said messages as mentioned at cor.pages 21 and 22 of the PMO's confidential File No.870/11/P/16/92-Pol. on the subject, "Disappearance of Netaji Subhas Chandra Bose - p.p.s. Reg."
- (b) According to Secret Report No.10/Misc. INA made in 1946 to the Wavell Government, "Nehru received a letter from Bose saying that he was in Russia and that he wanted to escape in India" (vide c.p.s. 16-20 of PMO's Secret File No.2/64/78-PM). The said letter or an authenticated copy thereof was not received from the Government of India though called for.
- (c) No report received from the Government of India regarding the action taken on the letter dated August 7, 1995 of Shri Amiya Nath Bose addressed to the then Prime Minister wherein Shri Bose stated, inter alia, that he was having conclusive evidence in his possession to establish that Netaji was alive in Soviet Union on July 22, 1946 (vide cor.page 427 of PMO's Secret File No.870/11/P/95-Pol.)
- 8. In view of the facts and circumstances stated/referred to above, I am directed to request you to kindly take necessary steps for extension of the term of Justice M.K.

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In d.o letter No.IMCI/Records/Ni)/99-2000/37(IV)/170 dated August 26, 2004 of the Secretary of the Commission addressed to the Director (CNV), Ministry of External Affairs, Government of India, his attention has been drawn to the photo-copy of the note dated 02.12.1954 of Shri M.O. Mathai which was endorsed to the then Joint Secretary (AD), Shri Prem Krishan under P.M.'s Sectt. U.O. No. D/S 13170 dated 02.12.1954 as could be found in the photo-copy of the top secret File No. 23(11)/56/57/PM of the P.M.'s office (Political Section) on the subject, "TNA Treasure" wherefrom it appears that the Ministry of External Affairs received a small amount of Rs.200/- and odd along with the ashes and other remains of "Late Shri Subhas Chandra Bose" from the Indian Embassy in Tokyo and the Director (CNV) has been requested to report on the following points:

- i. When and under what circumstances were the alleged ashes of Netaji received by the Ministry of External Affairs from the Indian Embassy in Tokyo as mentioned in the aforesaid note dated 02.12.1954?
- ii. Where were the ashes and other remains mentioned in the said note dated 02.12.1954 preserved?
- iii. If not preserved, what did happen to those ashes and remains?

The reply of the Ministry of External Affairs, Government of India, is awaited.

MCI FAX NO

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In the d.o. letter No.JMCI/EO/2002-03/83(III)/93 dated 28.06.2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India, it has been requested, inter alia: "It may be intimated whether the Chief Priest of Renkoji temple has been formally requested to make available the alleged ashes to the experts who may be appointed by the Commission for D.N.A. test of the same. The Commission may also be informed whether any reply to such request,... has been received." The Commission is yet to receive any reply of the Ministry of External Affairs, Government of India to the aforesaid queries of the Commission.

- (b) The Commission is still continuing its efforts to ascertain the prima facie feasibility of D.N.A. tests of the alleged ashes of Netaji Subhas Chandra Bose kept in the Renkoji temple in Japan.
- 9. With Commission's letter No. JMCI/Meeting-Proceedings (Follow Up)/99-2000/48(V)/166 dated August 26, 2004 addressed to the Joint Director, Intelligence Bureau, Ministry of External Affairs, Government of India, a fresh list of 18 files available with the Intelligence Bureau on Micro-film purported to be relevant to the inquiry of the Commission has been sent to the said Joint Director who has been requested to get those files ready under intimation to this Commission to enable the Commission to examine those files without any more loss of time. Further intimation of the Intelligence Bureau in the matter is awaited.
- The Director (S), Ministry of Home Affairs, Government of India, has again been requested to take effective steps so that the File No.10/22/CM-68 is sent to the Commission without any further delay. He has also been requested that if the contents of the said file are still classified as Secret, the competent authority should be moved so that the file may be made available to the Commission at least for the perusal of the Hon'ble Chairman as was done earlier in the case of more than one file in respect of which privilege has been claimed by the Ministry of Home Affairs, Government of India (vide d.o. letter no. JMCI/Records/ND/99-2000/37(IV)/106 dated July 12, 2004 of the Secretary addressed to the Director (S), Ministry of Home Affairs, Government of India. The response of the Ministry is still awaited.

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Justice Mukherjee Commission of Inquiry

NETAJI SUBIJAS CHANDRA BOSE.

'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata-700087

Extracts of Paras 4 (a) and (b), 5, 7 (a) and (b), 9, 10, and 14 Status Report for August 2004

- 4. A provisional programme for visit of the Commission to Russia was sent to the Ministry of External Affairs, Government of India, in Commission's' d.o. letter No. JMCI/EO/2002-2003/83(III)/112 dated July 21, 2004 of the Secretary addressed to the Director (CNV), Ministry of External Affairs, Government of India. Acknowledging the receipt of the said programme, the Director (CNV) in his d.o. letter No.25/4/NGO-Vol.XII dated August 12, 2004 suggested: "that the itinerary of JMCI's visit to Russia including the dates of the visit should be finalized only after receipt of further inputs from our Mission in Moscow. We shall keep you updated in the matter". No further communication of the matter has been received. The Ministry of External Affairs has been reminded by the Commission to take necessary action so that the Commission can visit Russia within September 30, 2004 or at best by the first week of October, 2004 to avoid the bitter winter of Russia vide Secretary's d.o. letter No.JMCI/EO/2002-2003/83(III)/186 dated August 30, 2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India.
  - (b) In the Commission's said d.o. letter dated August 30, 2004 it has also been stated that finalization of the programme of the Commission's visit to Taiwan and some other places also depends on the time of the proposed visit of the Commission to Russia.
- 5. The attention of the Director (CNV) has been drawn to Commission's letter No. JMCI/Overseas/Witnesses/2002-2003/70(II)/188 dated 05.08.2003 addressed to the Joint Secretary, (CNV), wherein the latter was requested to send particulars of some suitable willing Indian scholars/students of Post Graduate class available in the USA indicating/suggesting the rate of remuneration, if any, acceptable to them unless they would agree to do the job of archival research at various American repositories of relevant historical documents relating to Netaji Subhas Chandra Bose, free of remuneration for academic interest or for the love and respect for Netaji. In the statement forwarded by the Ministry of External Affairs, Government of India with their d.o. letter no. 25/4/NGO-Vol.XII dated August 18, 2004, it has been stated, inter alia: "Our Mission in Washington has been requested to depute an Officer to look at the documents". Further development in the matter is awaited.

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Mukherjee Commission of Inquiry for a further period of one year beyond November 14, 2004.

9. Necessary Government Notification extending the term of the Commission for a further period of one year w.e.f. November 15, 2004 may kindly be communicated at an early date so that the Government of India may get adequate time to remove the hurdles mentioned/referred to herein-before and the Commission may continue its inquiry without any break or interruption and may draw up its programmes for hearing in different places of India and abroad which are essentially warranted for proper completion of the inquiry of the Commission.

Encl: as stated above

Yours faithfully,

(P.K. Sengueta) Secretary

SECREI.

Umesh Kalra Director(S) Tel.: 23092998

DO No.VI/11034/18/98-D-III

9 NOV 2004 New Delhi dated 8.11.2004

@ 9 DIOTY 2004

Dear

I am sending herewith 60 copies in English and Hindi of the Cabinet Note for further extension of term beyond 14.11.2004 of Justice Mukherjee Commission of Inquiry set up to enquire into the alleged disappearance of Netaji Subhash Chandra Bose.

As the term of the Commission is expiring on 14.11.2004, It is requested that this item may be included in the agenda for consideration by the Cabinet in its next meeting.

With regards.

Yours sincerely

tul (UMESH KALRA)

Shri K.L.Sharma Deputy Secretary, Cabinet Secretariat, New Delhi.



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#### NOTE FOR THE CABINET

Subject:

Extension of the term of the Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose

#### 1.Introduction

1.1. As the report regarding the death of Netaji in a plane crash on 18.08.1945 was not universally accepted, it was decided, in April, 1956, to institute an inquiry committee, headed by Shri Shah Nawaz Khan, a close associate of Netaji, to ascertain the truth. The committee came to the conclusion that Netaji had died in the plane crash and his mortal remains were kept in Renkoji Temple in Japan. This finding was accepted by the Government but it was not accepted by some sections of the people.

1.2. Following persistent demand by a number of Members of Parliament for a fresh inquiry, a Commission of Inquiry, headed by Justice G. D. Khosla, was appointed in July, 1970. Justice Khosla Commission also concluded that Netaji had died as a

Page No.1 of 44

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result of the plane crash. The Cabinet accepted this finding in August 1974, but it did not again receive universal acceptance.

- 1.3. The matter continued to be raised in the Lok Sabha on a number of occasions with demand for a fresh inquiry. The question of bringing back Netaji's mortal remains was also raised. It was felt that this could be done only if public opinion favoured it.
- 1.4. In April, 1998, one, Shri Rudra Jyoti Bhattacharya, filed a writ petition in Kolkata High Court, demanding a fresh inquiry into Netaji's disappearance. The Kolkata High Court in its verdict dated 30.04.1998, issued directions for a vigorous inquiry by appointing, if necessary, a Commission of Inquiry as a special case for the purpose of giving an end to this controversy.
- 1.5. The West Bengal Assembly also, on 24.12.1998, adopted a motion demanding:

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh inquiry commission in order to

Page No.2 of 44



appointment of a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, to inquire into the alleged disappearance of Netaji Subhas Chandra Bose. A copy of the note considered by the Cabinet on 28-04-1999 is enclosed (Annexure-I). The Cabinet approved the proposal and a Commission of Inquiry under Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India, was appointed vide notification dated 14-05-1999 (copy enclosed as Annexure-II).

#### 3. Terms of reference of the Commission

- 3.1. The Justice Mukherjee Commission of Inquiry is required to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose during 1945 and subsequent developments connected therewith, including the following:-
  - (a) whether Netaji Subhas Chandra Bose is dead or alive;
  - (b) if he is dead, whether he died in the plane crash, as alleged;
  - (c) whether the ashes in the Japanese temple are ashes of Netaji;

Page No.4 of 44

- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.
- 3.2. The Commission is also required to examine the manner in which the exercise of scrutiny of publications touching upon the question of death or otherwise, of Netaji can be undertaken by the Central Government in the circumstances.

#### 4. Time frame for completion of the work by the Commission

In the notification dated 14-05-1999 regarding the appointment of the Commission, it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of the notification. The term of the Commission has, however, been extended regularly from time to time, based on requests received from the Commission. The present extension will end on 14-11-2004.

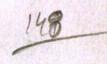


#### 5. Expenditure incurred by the Commission

The expenditure incurred by the Commission, year-wise, since its inception, is as under:-

Sl.No. Year		Expenditure	
	uwe giidooo	incurred(Rs. in lakh)	
1.000	1999-2000	17.57 code to dis-A	
2.	2000-01	29.24	
3.	2001-02	33.67	
4.	2002-03	33.29	
5.	2003-04	33.91	

During the current year, 2004-05, the expenditure incurred upto September, 2004 is Rs. 19.68 lakh against a budget provision of Rs 50 lakh.



#### 6. Proposal submitted by the Commission for further extension

The Commission has, vide its letter dated 07-09-2004(copy enclosed as Annexure III), informed that it is not in a position to complete its inquiry within the stipulated period of 14-11-2004. The Commission has requested for a further extension of one year beyond 14-11-2004.

#### 7. Clarification obtained from the Commission

7.1 In connection with the proposal for further extension of the Commission's term, the Commission was requested to specifically indicate the extent of work done by the Commission so far, work remaining to be done and the projected time frame for completion of the inquiry. The reply received from the Commission on these points is briefly indicated in the succeeding paragraphs.

#### 7.2. Extent of work done

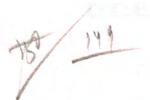
#### In this regard, the Commission has informed as follows: -

(a) Total number of documents marked as exhibits : 857

(b)Total number of materials marked as material exhibits : 97

© Total number of witnesses examined : 119

Page No.7 of 44



(d) Number of affidavits	filed by deponents	: 73
(e)Number of deponents	and co-deponents in the affidavits	

at serial number (d) above : 79

(f) Many voluminous documents/printed matters/
books including foreign documents and those received
from Government of India and the Government of
West Bengal have been examined.

#### 7.3. Work remaining to be done by the Commission

In this regard, the Commission has informed that:

- (i) The present whereabouts of the relevant witnesses examined earlier outside India as also of those mentioned anew reportedly living abroad are yet to be received by the Commission;
  - (ii) The Commission is yet to receive certain documents from foreign countries;
  - (iii) The Commission proposes to visit some relevant foreign countries such as Russia, Taiwan, Vietnam, Thailand, Malaysia and Singapore, for examination of witnesses and documents available in those countries;

#### SECRET

#### No.12014/1/2005-NCB II GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

#### STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:

Extension of tenure of Justice Mukherjee Commission of Inquiry set up to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

SI.No.	Gist of the decision required	Projected benefits results	Time frame and manner of implementation/reporting to Cabinet Secretariat
1.	Extension of term of the Commission for another six months beyond 14.5.2005		immediately after the

Rakesh) Joint Secretary (S) Telephone: 23093008 Ministry of Home Affairs



- (iv) The evidence of the remaining Indian witnesses including Indian experts is to be taken;
- (v) The deponents have to be extended opportunities to get copies of all the relevant documents, which have been called for by the Commission but are yet to be received. Thereafter, the deponents have to be given opportunities to offer their arguments;
- (vi) DNA testing of the alleged mortal remains of Netaji kept in the Renkoji Temple in Japan is yet to be done.

#### 7.4. Projected time frame for completion of inquiry

The Commission has intimated that it is likely to prepare its report within a period of about three months after the completion of the work remaining to be done.

7.5. The Commission has indicated that because of the following constraints, it is not able to project a fixed time frame for completion of its inquiry and has requested the Government of India to give further extension of one year beyond 14.11.2004:

Page No.9 of 44

remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose"

1.6. The State Government of West Bengal also recommended setting up of an inquiry into the mysterious disappearance of Netaji Subhas Chandra Bose.

1.7. A meeting of eminent persons, was convened by the then Union Home Minister on 25.3.1999, to discuss the manner in which action could be taken to give effect to the directions of the Kolkata High Court and motion of West Bengal Legislative Assembly. It was felt that in order to take the matter to its logical end, it would be advisable to set up another Commission of Inquiry for the purpose of arriving at a definite conclusion. A note was, accordingly, prepared for consideration of the Cabinet.

#### 2. Appointment of Justice Mukherjee Commission of Inquiry

2.1. The Cabinet, in its meeting held on 28-04-1999, considered a proposal submitted by the Ministry of Home Affairs, for

Page No.3 of 44

SECRET

- 151
- the country in which the alleged air crash took place, has no diplomatic relations; the places where the relevant witnesses and documentary evidences are likely to be available, are in foreign countries, far away from India, and the desired response of those foreign countries are not available.
- ii) The Commission is yet to get clearance in respect of Commission's composite tour programme for Russian Union to enable it to examine the relevant archival documents and the relevant witnesses available there.
  - iii) The Commission's visit to Taiwan and other places in South

    East Asia, depends on the time of the proposed visit of the

    Commission to the Russian Union.
  - DNA testing of the alleged mortal remains of Netaji Subhas

    Chandra Bose allegedly kept in the Renkoji Temple in

    Japan, despite the efforts made by the Commission during the last two years.

Page No.10 of 44

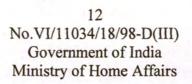


- Particulars of suitable Indian scholars/students available in the USA to do the job of archival research at various American repositories of relevant historical documents relating to Netaji, are yet to be received. On identification of relevant documents, the Commission might visit USA.
- vi) The required documents/records/reports which are to be collected from the concerned Ministries/Departments, as also from foreign countries, are yet to be made available, failing which affidavits have & be filed indicating details of the efforts made to collect/procure them from the foreign countries and the circumstances under which those cannot be made available to the Commission.

#### 8. Comments on the points raised by the Commission

8.1 The Commission has been requesting Ministries/Departments such as Ministry of Home Affairs,

Page No.11 of 44





Ministry of External Affairs, Ministry of Defence, PMO, Cabinet Secretariat, National Archives of India and IB to make available certain documents required by the Commission. All the available documents, classified or otherwise, relating to Netaji have already been made available to the Commission by these Ministries/Departments. In respect of the specific documents that are not available, necessary affidavits have been filed with the Commission by the concerned Ministries/Departments. The Ministries of External Affairs and Home, have also been providing necessary assistance for visiting foreign countries whenever necessary.

8.2. It appears that the progress of work done by the Commission is slow and even after five and a half years, a lot of work still remains to be done. It will take a long time to complete the remaining work. For example, in the matter of DNA testing, even after two years of effort, the Commission has not been able to finalize the manner in which it will be done. Although, the Commission has asked for an extension of one year, it has also

Page No.12 of 44

stated that it will take three months to prepare the report after completion of all the remaining work to be done. The reply of the Commission, therefore, is vague and the time frame indicated is open ended. There is little possibility that the Commission will be able to finalize its report in the foreseeable future.

8.3. However, as the work of the Commission can not be allowed to go on indefinitely in an open ended time frame, it is proposed to set a time limit of another six months beyond 14.11.2004 for the Commission to complete and submit its report. The Commission may be informed to submit its report within this period.

#### 9. Proposal for consideration

It is proposed to extend the term of the Commission for another six months beyond 14.11.2004. It is further proposed that the Commission may be informed that no further extension will be allowed. It should complete and submit its report within this period.

Page No.13 of 44

10. Approval of the Cabinet is solicited to the proposal contained in para 9 above.

- 11. A Statement of Implementation Schedule is at Appendix.
- 12. This note has been seen and approved by the Home Minister.

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(Rakesh)

Joint Secretary(S)
Telephone No.2309 3008

Dated, the November, 2004

To

The Cabinet Secretariat,
Rashtrapati Bhavan,
New Delhi.

#### SECRET

158

**APPENDIX** 

# No: VI/11034/18/98-D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

#### STATEMENT OF IMPLEMENTATION SCHEDULE

Subject: Extension of tenure of Justice Mukherjee Commission of Inquiry set up to inquire into the alleged disappearance of Netaji Subhas Chandra Bose

Sl. No.	Gist of the decision required	Projected benefits/results	Time frame and manner of implementation/reporting to Cabinet Secretariat
1.	Extension of term of the Commission for another six months beyond 14.11.2004.	The inquiry will clarify the position regarding the disappearance of Netaji Subhas Chandra Bose	immediately after the extension is
2.	To inform the Commission that no further extension will be allowed and it should complete and submit its report within this period.	the Commission and enable	

Joint Secretary (S)

Telephone No. 23093008

Annexiere-I

- 16 -

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# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS \*\*\*\*



#### NOTE FOR THE CABINET

Subject: Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

#### 1. Background:

- Netaji Subhas Chandra Bose, one of India's greatest sons, described as a "patriot of patriots" by Gandhiji, was fiercely committed to the cause of India's freedom. He believed that the British had to, and could, be driven away through armed action. He founded the Azad Hind Sarkar and led the Indian National Army (INA), in the fight against the British. He tirelessly moved from Malaya to Singapore, to Burma to Japan mobilising support and planning tactics and succeeded in getting Japan to extend its aid. He was on one of his missions when his airplane crashed immediately after take-off in Taihoku (Formosa), on 18 August, 1945.
- 1.2 Netaji had by then created an undying image for himself amongst his countrymen and such was his aura, and the awe in which he was held, that the report of his demise in a hospital, following the crash, was not universally accepted and, in fact, there has been an agonising question mark over it.
- 1.3 Government of India took note of the sentiment of millions of Indians who debated the veracity of the report of the aircrash and his subsequent death. It decided to institute an enquiry to ascertain the truth. In April, 1956, it was headed by Shri Shah Nawaz Khan, a close associate of Netaji, and it comprised Shri Sisir Bose and Shri S.N. Maitra. A majority of this committee, after a full enquiry,

SECRET

Page 16 8 469



# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS



concluded that Netaji had indeed died in the plane crash and his mortal remains were kept in Renkoji Temple in Japan. The Government accepted this finding but it was not accepted by some sections of our people.

1.4 Demands were made by a number of Members of Parliament for a fresh enquiry. The Government of India, therefore, decided to set up a Judicial enquiry. In July, 1970, Justice G.D. Khosla was appointed to head this Commission of Inquiry. He completed his enquiry and he also concluded that Netaji had died as a result of the plane crash. The Central Cabinet accepted the finding of this Commission of Inquiry in August, 1974. But once again this finding did not gain universal acceptance such was Netaji's persona and his popular charisma.

### 2. Subsequent developments-Response of India's Prime Minister in 1978:

2.1 Shri Samar Guha, M.P., one of those with whom the report of Netaji's demise did not carry credibility, raised the matter in the Lok Sabha on a number of occasions and demanded another enquiry. On 28th August, 1978, Shri Morarji Desai, the then Prime Minister, responded to this in the Lok Sabha by stating that:

"the majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two repsorts and various important contradictions in the testimony of witnesses have been noticed. In the light of these doubts and contradictions and

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# FILE NO.VI/11034/18/98.D(III) GOVERNFMENT OF INDIA MINISTRY OF HOME AFFAIRS

159

those records, Government finds it difficult to accept that the earlier conclusions are decisive. At the same time, Government feels that no useful purpose would be served by having any further inquiry. I hope that in the light of this statement, my Hon. friend will withdraw his motion".

#### 2.2 Shri Samar Guha replied as follows:-

"Sir, Today is a great day for the whole Indian people because a mortal sin, a treacherous crime that was committed against the epic hero of Indian freedom has been undone. If I say that Netaji was given burial, out of political conspiracy, it would not be an exaggeration. Although there was not an iota of doubt or any positive proof to the contrary that the plane crash was nothing but fake, and the alleged crash did not involve Netaji at all."

#### 3. Immediate cause of action:

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Much later arose the question of bringing back Netaji's mortal remains from Japan. It was felt that this could be done only if public opinion favoured it. While efforts to build such a favourable public opinion about this were to be undertaken, one Shri Rudra Jyoti Bhattacharjee of Calcutta filed Writ Petition No.281 in the Calcutta High Court in April, 1998 demanding a fresh enquiry into Netaji's alleged disappearance. A few other almost identical Writ Petitions were filed in the Supreme Court and the High Courts of Calcutta and Orissa. These touched upon issues like the 'posthumous' grant of the 'Bharat Ratna' to Netaji,

SECRET

Page 18 \$ 44

# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS



whether he was declared a war criminal, under what circumstances his mortal remains can at all be brought back to India, etc.

- 3.2 The Calcutta High Court in its verdict dated 30.4.1998 on the Writ Petition of Shri Bhattacharjee issued directions for "a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Inquiry" as a special case for the purpose of giving an end to this controversy. The points on which the focus of the enquiry is to be directed are as follows:
  - "a) whother Netaji Subhas Chandra Bose is dead or alive:
    - b) if he is dead whether he died in the plane crash, as alleged;
  - c) whether the ashes in the Japanese Temple are ashes of Netaji;
  - d) whether he has died in any other manner at any other place and, if so, when and how;
  - e) if he is alive, in respect of his whereabouts.

The respondents shall follow for the said purpose the directions of this Court given in W.P. No.1805 of 1997 namely, to take the people of India in confidence.

Respondents shall at appropriate level examine/ scrutinise all publications pertaining to the matter as above and proscribe, if necessary, all

SECRET

Page 19 \$44.

#### FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

161

such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement to violence.

Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above."

#### 4. Resolution of West Bengal Legislative Assembly:

4.1 The West Bengal Legislative Assembly also, on 29.12.1998, adopted a motion demanding;

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose".

- 4.2 The full text is at Appendix-II.
- 4.3 The State Government has recommended setting up of an enquiry into the mysterious disappearance of Netaji Subhas Chandra Bose. Its letter is at Appendix-III.
- 5. Exploring avenues to meet the developments-meeting of eminent opinion makers:
- 5.1 Government of India took note of the judgement of the Calcutta High Court and the motion passed by the West

SECRET

Page 20 9 44.

# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTYRY OF HOME AFFAIRS

163

Bengal Legislative Assembly. A meeting of eminent persons was convened by the Union Home Minister on 25.3.1999 to discuss the manner in which action be taken to give effect to the directions of the Calcutta High Court and the motion of the West Benjal Legislative Assembly. The invitees were close associates of Netaji Subhas Chandra Bose as well as some other persons whose views would be crucial intaking a decision in the matter. Those who attended are Col. G.S. Dhillon, Dr. Sisir Kumar Bose, Justice (Retd) R.S. Narula, Dr. D.B. Kalmankar, Shri Soli Sorabji, Attorney General of India and representatives of the Prime Minister's Office, Ministry of External Affairs, Ministry of Department of Education, Ministry of Law, and officials of the Ministry of Home Affairs. Col. Laxmi Sengal invited, could not attend, but she sent her views which were circulated to all those who attended the meeting.

5.2 Discussions in the meeting were based on the personal knowledge and experiece of those present, the findings of the Shah Nawaz Khan Committee and the Khosla Commission. It was ultimately felt that in order to take the matter to its logical end and that also once for all, it would be advisable to setup another Commission of Inquiry as a very special case for the purpose of arriving at a definite conclusion regarding Netaji Subhas Chandra Bose.

#### 6. Proposed action plan:

6.1 It is, therefore, proposed to appoint a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952 to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. The terms of reference of the Commission are contained in the draft notification which is at Appendix-IV.

SECRET

Page 21 \$ 44.

# GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS



- It is also proposed that the Chief Justice of India may be approached to suggest the name of a suitable person from amongst retired Judges of High Courts or the Supreme Court of India to conduct the enquiry.
- It is further proposed to have a number of posts created viz one post of Chairman; one post of Secretary; one post of Officer on Special Duty and 21 other posts representing the supporting staff in the scales of pay indicated against each post in the statement at Appendix-V with a view to enable the Commission to commence functioning without undue delay. The number of posts projected at Appendix-V, depending upon the functional requirement once the Commission gets going, may go up further. This additional requirement of further posts also needs to be kept in view.

#### 7. Approval sought:

- 7.1 Approval of the Cabinet is therefore solicited to the following:-
  - (i) Appointment of a Commission of Inquiry as proposed in para 6.1 and 6.2 above and;
  - (ii)Creation of initial requirement of supporting staff for the Commission as contained in para 6.3 above.
- 8. A statement of implementation schedule is at Appendix-I.

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Page 22 of 44.

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# FILE NO.VI/11034/18/98.D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

164

- 9. The views of the Ministry of Law, Justice and Company Affairs were sought in the matter and are yet to be received. Their views may be ascertained in the meeting.
- 10. Views of Ministry of Finance have been obtained (Appendix-VI). The overall financial implication for the creation of posts as proposed at Appendix-V works out to approximately Rs. 38,80,000 p.a. Specific proposals for creation of posts would be moved on file separately to Ministry of Finance (Department of Expenditure) once the proposal is approved.

11. This note has been seen and approved by the Home Minister.

(NIKHIL KUMAR) Special Secretary(ISP)

Date: 21st April, 1999

SECRET

Page 23 of 44

APPENDIX

#### SECRET

FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

#### STATEMENT OF IMPLEMENTATION SCHEDULE

Subject: Appointment of a Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

List of the decisions required Projected benefits/results

Time schedule for manner implementation/reporting Cabinet Secretariat.

Directions of the Cabinet are solicited for appointing a Commiasion of Inquiry under the Commissions of Inquiry Act, 1952 ( 60 of 1952) to inquire into the alleged disappearance of Netaji Subhas Chandra Bose and creation of posts with regard thereto.

The inquiry will give an end to the controversy of alleged disappearance of Netaji Subhas Chandra Bose.

Steps for appointment of 1 Commission will be immediately on Cabinet approval.

(NIKHIL RUM. Special Secretary (I.

SECRET

Page 24 J 44.

Appardix -IL

FILE NO. VI/11034/18/98.D(III)
MINISTRY OF HOME AFFAIRS

166

CONTENTS OF THE MOTION AS ADOPTED BY THE WEST BENGAL LEGISLATIVE ASSEMBLY ON 24,12.98.

This House notes with grave concernthat the people and scholars of India are still in the dark about the mysterious disappearance of Netaji Subhas Chandra Bose during the Second World War;

that different statements were made on the floors of Parliament at different times regarding whereahouts of Netaji Subhas Chandra Bose;

that the judicial pronouncements of the Supreme Court and High Court in India created more suspicions in the minds of people of India regarding Netaji's alleged death in the plane crash; and

that the records and documents in different countries of Europe, America, Far East and South East Asis and also India regarding the mysterious disappearance of Netaji Subhas Chandra Bose after alleged plane crash have not been made available to the people and scholars of India.

This House is of the opinion-

that the report of the death of Netaji Subhas Chandra Bose on an alleged plane crash has not been proved beyond doubt; and

that the report of the two Commissions of Enquiry set up by the Government of India are not believed by the people and scholars of India.

This House, therefore, through the State Government demands that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh enquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

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Page 25 & 44.

SECRET FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS Government of West Bengal Department of Parliamentary Affairs

No. 634-PA.

Dated 6th April. 1999.

From :

R.P.S. Kahlon, LAS

Joint Secretary.

Parliamentary Affairs Department. Government of West Bengal.

To

Shri A. K. Painindi, IAS Director, Internal Security, Ministry of Home Affairs, Government of India. Fax No. 011-301 5750.

Sir.

Please recall your telephonic conversation with Principal Secretary, Home and Home Secretary, Government of West Bengal on 5th April, 1999 regarding the setting up of a. Commission of Enquiry into the mysterious disappearance of Netaji Sublus Chandra Bose. A resolution regarding this subject was adopted in the West Bengal Legislative Assembly on December 24 1998

The State Government recommands setting up of an inquire into the mystorious disappearance of Netari Subhas Chandra Bose.

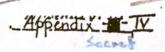
Yours fait sfully,

Francin (R.P.S. Kuhler) Joint Secretary.

Page 26 of 44.

# MINISTRY OF HOME AFFAIRS

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(TO SE PUBLISHED IN PART II, SECTION 3, SUB SECTION(11) OF THE GAZETTE OF INDIA, EXTRAORDINARY DATED.

#### GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

New Delhi, the

Whereas the Shah Nawaz Khan Committee and Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash.

And, whereas there is a wide spread feeling among the public that the problem of finding the truth about Netajl's death still remains.

And, whereas there has been a consistent demand for a further inquiry into the matter.

And, whereas the Calcutta High Court also directed Government of India to launch a vigorous inquiry , if necessary by setting up of a Commission of Inquiry for the purpose of giving an end to the controversy.

And, whereas a resolution has been passed in West Bengal Assembly wherein a demand has been made for a further inquiry into the matter.

And whereas the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making inquiry into a definite matter of a public importance, namely the disappearance of Netaji Subash Chandra Bose in 1945.

Now, therefore, in exercise of powers conferred by Section 3 of the Commission of Inquiry Act, 1952(60 of 1952),

SECRET

Page 27 & 44.

-28-

# FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

190 169

Sacret

the	Central	Government	hereby	appoints	a	Commission	of	Inquiry
cons	isting o	of						

The Commission shall inquire into all the facts and ircumstances related to the disappearance of Netaji Subhas chandra Bose in 1945 and the subsequent developments connected therewith including:-

- (a) Whether Netaji Subash Chandra Bose is dead or alive:
- (b) if he is dead, whether he died in the plane crash, as alleged:
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- '(d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts:

  The Commission Shoul ness examine the manner in ethich the expensive

  of Seruting of Prolications touching upon the question of death

  or openince of Netyr Conte undertaken by the Girt in the Circumstances
- 3. The Commission shall submit its report to the Central Government as soon as possible but not later than 6 months from the date of publication of this Notification.
- 4. The headquarters of the Commission shall be at New Delhi, and/or any other place determined by the Commission.
- The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of subsection(2), sub-section(3), sub-section(4) and sub-section(5) of Section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government, in exercise of the powers conferred by sub-section(1) of the said section 5, hereby directs all the provisions of the said sub-section (2) to (5) of that section shall apply to the Commission.

(File No. 71/11034/18/98-18(D.111)

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Page 28 & 44.

In the Cournesses.

-		
Sl.	Designation & Scale of Pay Date	No.of Post
1.	Chairman (Rs.30,000 fixed)	1
2. :	Secretary(Rs.14,300-18,300)	1
3.	Officer on Special Duty (Rs.12,750-16,500)	1
4.	Court Master (Rs.10,000-15,200)	1
5.	Section Officer (Rs.6,500-10,500)	2
6.	Assistant (Rs.5,500-9000)	2
7	(Rs.5,500-9000)	1
в.	Cashier , (Rs.5,500-9000)	1
9.	Typist (Rs.3,050-4,590)	2
10.	Principal Pvt.Secy. (Rs.10,000-15,200)	1
11.	Private Secretary (Rs.6,500-10,500)	2
12.	Steno Gr'C' (Rs.5,500-9,000)	2
13.	Peon (Rs.2550-3200)	.3

Page 29 8 44.

# 30-FILE NO. VI/11034/18/98.D(III) MINISTRY OF HOME AFFAIRS

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•	Jamadar (3s.2610-3540)		*	7	 •	, :	-
15.	Safaiwala (Rs.2550-3200)					1 '	
16.	Bailiff	,				1 .	

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File No. VI/11034/18/98.D(III) Ministry of Home Affairs

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CABINET NOTE ON APPOINTMENT OF A COMMISSION OF INQUIRY TO ENQUIRE INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE

Analysis of the Comments received from Ministry of Finance, Department of Expenditure

S.No.

Comments

MHA's clarification

- 1. Two enquiries, first in 1956 and second in 1970 have already been the Commission of Inquiry Act conducted holding that Netaji had died. It is doubtful if after a lapse of so many years a fresh enquiry would yield different results. The setting up of another Commission seems avoidable.
  - The present Commission under is being proposed in compliance of the judgement of the · Calcutta High Court on Writ Petition No. 281 and a Motion adopted in the West Bengal Legislative Assembly on 29.12.98, which has been duly recommended by the West Bengal Government.
- 2. No tenure for the Commission of Inquiry has been prescribed. This is required so as to assess the financial implications.
- The draft notification (Appendix-IV) prescribes a term of 6 months for the Commission.
- 3. Budgetary support required has not been indicated and is required to be brought out.
- Approximately, an amount of Rs. 38,80,000 per annum will be required on account of salary for the Chairman and other officers/staff mentioned in the statement at Appendix-V. However, this is the initial requirement for enabling the commence Commission to and may go up functioning, further depending on the actual requirement.
- In keeping with the Department of Expenditure's O.M. dated 8.10.1987 relating to terms and conditions of retired judges appointed as Chairman/Members of Commissions of Inquiry, the pay scale for the Chairman would be Rs. 30,000/- only if he is a retired judge of the Supreme Court or Chief Justice of a High Court.

The proposal contained in para 6.2 viz. to appoint a person from amongst retired Judges of High Courts or the Supreme Court of India to conduct the enquiry is tentative and would depend on the approval of the Cabinet.

Page 31 \$44.

SECRET

#### SECRET

File No. VI/11034/18/98.D(TII).
Ministry of Home Affairs

As regards creation of other posts, the proposal should be referred on file bringing out full functional just ification for creation of each post duly supported by matching savings.

A specific proposal will be moved on file separately for the creation of the posts bringing out full functional justification for creation of each post and will be referred to the Ministry of Finance, Department of Expenditure, after approval in principle by Cabinet.

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Page 32 & 44.

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असाधारण EXTRAORDINARY

EXTRAURDINAR I भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

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नई दिल्ली, शुक्रवार, मई 14, 1999/बैशाख 24, 1921 NEW DELHI, FRIDAY, MAY 14, 1999/VAISAKHA 24, 1921

गृह मंत्रालय

अधिसूर्चना

नई दिल्ली, 14 मई, 1999

का.आ. 339(अ).— रेताजी सुभाष चन्द्र बोस के 16 अगस्त, 1945 के आसपास बैंकाक से प्रस्थान करने और एक विमान दुर्जटना के परिणामस्वरूप उनकी कथित मृत्यु तथा उससे जुद्दे अनुवर्ती घटनाकम से संबद्ध स्थितियों की जोर्ज करने तथा भारत सरकार को इसकी रिपोर्ट देने के लिए भारत सरकार दारा कृमशः अप्रैल, 1956 राथा जुलाई, 1970 में गठित शाहनवाज खान समिति तथा खोसला जांच आयोग के निष्कर्ष यह थे कि नेताजी सुभाष चन्द्र बोस की मृत्यु एक विमान दुघटना में हुई है;

और जनता की शह व्यापक धारणा है कि नेताजी जी की मृत्यु के बारे में सच्चाई का पता लगाने का मुद्दा अभी भी यथावत् है ;

और इस मामले में आगे और जांच करने की निरंतर मांग रही है ;

और कलकता उच्च न्यायालय ने भी भारत सरकार को यह निर्देश दिया है कि इस विवाद को समाप्त करने के प्रयोजन के लिए विधि के अनुसार विस्तृत जांच कराई जाए, यदि अवश्यक हो तो इस प्रयोजन के लिए जांच आयोग का गठन किया जाए ;

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Page 33 & 44.

176

और पश्चिम बंगाल विधान समा दारा 24·12·1998 को एक संकल्प पारित किया गया जिसमें नेताजी सुभाष चन्द्र बोस के पते-ठिकाने का रहस्योद्घाटन करने के लिए इस मामले में नए सिरे से जांच की मांग की गई है ;

और केन्द्रीय सरकार का यह मत है कि सार्वजनिक महत्व के निश्चित मामला, अर्थात् 1945 में नेताजी सुमाध चन्द्र बोस के गायब हो जाने की गहन जांच करने के प्रयोजन के एक जांच आयोग गठित किया जाना अवश्यक है ;

अतः, अब केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 §1952 का 60 § की धारा 3 की उपधारा §1 § और §2 § दारा प्रदत्त शक्तियों का प्रयोग करते हुए एक जांच आयोग गठित करती है, जिसमें भारत के उच्चतम न्यायालय के सेवा निवृत्त न्यायमूर्ति श्री एम0के0 मुलर्जी होंगे।

2 • आयोग 1945 में नेताजी सुभाष चन्द्र बोस के लापता होने से संबंधित सभी तथ्यों और परिस्थितियों और इससे संबंधित पश्चात्वर्ती घटनाओं की जांच करेगा जिसमें निम्निलिश्त भी हैं :--

§क
§ क्या नेताजी सुभाष चन्द्र बोस की मृत्यु हो गई है या वे जीवित हैं;

§स्त है यदि उनकी मृत्यु हो गई है तो क्या विमान दुर्घटना में उनकी मृत्यु हुई है जैसाकि अधिकधित है ;

§ग इं क्या जापान के मिन्दर में जो अस्थियां हैं, वह नेताजी की ही अस्थियां हैं ;

्रेष क्षेत्र के किसी अन्य स्थान पर हुई है और यदि प्रसार किसी अन्य स्थान पर हुई है और यदि प्रसार किसी अन्य स्थान पर हुई है और यदि प्रसार किसी अन्य स्थान पर हुई है और यदि

्रेड• १यदि वह जीवित हैं, तो उनके ठौर-ठिकाने के संबंध में जानकारी ।

- 3 आयोग उस तरीके की भी जांच करेगा जिसमें ऐसे प्रकाशनों की, जिनमें नेताजी की मृत्यु या अन्यथा दुर्घटना होने के प्रश्न अन्तर्वीलत हैं, जांच पड्ताल का कार्य केन्द्रीय सरकार दारा इन परिस्थितियों में आरंभ किया जा सकता है।
  - 4. आयोग,अपनी रिपोर्ट केन्द्रीय सरकार को, यथाशीघ, किन्तु इस अधिसूचना के प्रकाशन की तारीख से छह मास के भीतर प्रस्तुत करेगा ।
- 5• आयोग का मुख्यालय नई दिल्ली में और/अथवा अन्य किसी स्थान पर होगा जैसा आयोग निधीरित करें।
  - 6 केन्द्रीय सरकार की राय है कि मामले की अन्य परिस्थितियों और की जाने वाली जांच के स्त्रहण को ध्यान में रखते हुए जांच आयोग अधिनियम, 1952 १1952 का 60 १ की धारा 5

Page 34 & 44.

176

की उप धारा §2 § , उप धारा § 3 § , उप धारा § 4 § और उप धारा § 5 § के सभी उपबंध उक्त आयोग को लागू किए जाने चाहिए और केन्द्रीय सरकार उक्त धारा 5 की उप धारा § 1 § दारा प्रवत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उस धारा की उक्त उप धारा § 2 § से § 5 है तक के सभी उपबंध आयोग को लागू होंगे ।

[फा. सं. VI/11034/18/98-आई.एस.(डी-III)]

निखिल कुमार, विशेष सचिव

#### MINISTRY OF AFFAIRS

# bus nerw notification , sosig wenge

New Delhi, the 14th May, 1999

S.O. 339(E).— Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

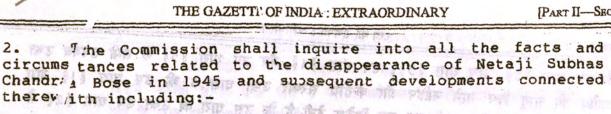
And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952(60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

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Page 35 & 44.



- भर में है किई सईक्षी रह Netaji Subnas Chandra Bose is dead or (a) whether (III-fr) alive;
  - (b) if he is dead, whether he died in the plane crash, as alleged;
  - (c) whether the asshes in the Japanese temple are ashes of Netaji;
  - (d) whether he has died in any other manner at any other place and if so, when and how;
  - (e) if he is alive in respect of his whereabouts.
- hab Nawas when Committee The Commission shill also examine the manner in which the exercise of Scrutin of Publications touching upon the question of death or othrwise of Netaji can be undertaken by the Central Government in the circumstances.
- 4. The Commission still submit its report to the Central Covernment as soon as possible but not later than six months from the date of publication of this notification.
- 5. The headquarter of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.
- The Central Govinment is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of subsection(2), sub-section(3), sub-section(4) and sub-section(5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made aplicable to the said Commission and the Central Government in sercise of the powers conferred by subsection(1) of the said section 5, hereby directs that all the provisions of the service as shall apply to the Commission. provisions of the said ub-sections (2) to (5) of that section ans he privile to sale and

need sen bassed s disjent videse A every [F. No. VI/1034/18/98-IS(D.III)] Vasation and avoisar of resists and old value of NIKHIL KUMAR, Spl. Secy. redardana the whereabouts of metali Saphas Chandra Bose:

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so notes a contract to appoint a commission of the disappearance of the d whereas the Cent/al Government Asherit Euches Chendra Bose in 1945; " ve E wing w

evis-sections, (i) and (2) of section 3 of the Commissions of Inquiry acts. 1952(69 of 1952), the Central Soyarnment harsby

is of the opinion

FAX NO. : 091 033 252 2765

-37-

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF

NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata-700087

FAX: 033-2252-2765

Phone:

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Chairman - 2252-2835 Secretory - 2252-2767

Secretary Officer on Special Duty

-2252-2765 - 2252-2766/68

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e-mail imcinscb@cal3.vsnl.net.in

No. JMCI/ADMN/99-2000/32(11)/196

September 07, 2004

From P.K. Sengupta Secretary

BY REGISTERED POST WITH A/D

To
Shri Rakesh
Joint Secretary (IS)
Ministry of Home Affairs
Government of India
North Block
New Delhi 110 001

Sir.

I am directed to refer to Commission's letter No. JMCI/Admn./99-2000/32(II)/443 dated February 17, 2004 addressed to you soliciting further extension of the term of Justice M.K. Mukherjee Commission of Inquiry for one year beyond May 14, 2004 for reasons explained and referred to in the said letter including those mentioned in Annexures 'B' and 'C' attached thereto. By Notification No. S.O.575(E) dated May 14, 2004 of the Ministry of Home Affairs, Government of India, published in the Gazette of India (Extraordinary) dated May 14, 2004, the term of the Commission was extended for a further period beyond May 14, 2004 but not later than November 14, 2004.

- 2. I am directed to state that the Commission is not in a position to complete its inquiry within November 14, 2004 as most of the reasons stated and referred to in the Commission's aforesaid letter dated February 17, 2004 as also stated in its earlier proposals for extension of the term of the Commission, still hold good.
- 3. Though some of the hurdles could ultimately be removed in the past by diligent and persistent endeavours of the Government of India on being untiringly pursued by the Commission for months after months and sometimes for years together, quite a number of other hurdles as explained and referred to in the Commission's letter

Page 37 5/44.

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#### - 38 -



No JMCI/Admn/99-2000/32(II)/443 dated February 17, 2004 are yet to be removed notwithstanding similar untiring and prolonged pursuance by the Commission.

- I am also directed to draw your attention to the matters of sub-paras (a),(b),(c),(d),(e),(g), and (i) of para 7 of the Commission's aforesaid letter dated February 17, 2004 as also to the matters in para 3 of the Commission's Status Report for June, 2004, and paras 4(a) and (b), 5, 7(a) and (b), 9, 10, and 14 of its Status Report for August, 2004, which if read with the matters mentioned/reiterated in paras 5, 6, and 7 herein below, will fully explain why the inquiry of the Commission has essentially become a highly time-consuming exercise. Extracts of relevant paras of the Status Report for August, 2004 are enclosed.
- 5. Some of the Files/Records/Documents of the Government of India which could not ultimately be furnished by them to the Commission in spite of persuasion by the Commission are noted below:-
  - (a) File No.12(226)/56-PM reg: "Investigation into the circumstances leading to the death of Subhas Chandra Bose".
  - (b) 33 papers/notes from PMO's file No.23(156)/51-PM reg: "Disposal of properties of the INA in the Far East."
  - (c) "Some further contemporary official documentary records" as admitted by Late Morarji Desai, the then Prime Minister of India on the floor of the Lok Sabha on August 28, 1978 to "have also become available" (Reg: Disappearance of Netaji Subhas Chandra Bose).
  - (d) The original notes and documents (or authenticated copies thereof) the extracts from which are available in the INA File No.273 lying with the National Archives of India. The said file relates to the alleged death of Netaji on August 18, 1945 in a plane crash at Taihoku.
  - (e) The original or authenticated true copies of the documents/files/records produced/filed/made exhibits before Khosla Commission and the affidavits filed by the Government of India before the said Commission.
  - (f) Volume Nos. XX and XXI of Justice Khosla Commission as also signed and authenticated Vol. Nos. I to XVIII, XIX and XXII of the said Commission.

Page 38 2) 44.

#### 39-



- (g) Almost all original records of the proceedings of Shah Nawaz Khan Committee of Inquiry and almost all the evidence recorded by it and the documents produced/made exhibits before the said Committee.
- (h) File No.21(381)/60-66-PM regarding: "Proposal to bring Shri Subhas Bose's ashes from Tokyo and to put up a memorial of him in front of Red Fort in Delhi.
- (i) Almost all the documents referred to in the affidavits/supplementary affidavits of different deponents.
- (j) Authenticated copy of the report dated 31.12.1945 of Shri B.C. Chakravarty on alleged death of Netaji in alleged plane crash on August 18, 1945 at Taihoku bearing counter-signature of Col. Stevenson and sent to the CSDIC.
- 6. Some of the Records/Files/Documents/Reports which could not be collected/procured from the foreign countries concerned by the Government of India as called for/requested by the Commission are noted below:-
  - (a) Classified relevant documents of the UK and the USA relating to Netaji Subhas Chandra Bose could not be got declassified by the Government of India to make them (or authenticated copies thereof) available to the Commission.
  - (b) No reports have been received from the Govt. of India regarding documents sent earlier by Shri Samar Guha to the Soviet Government which were acknowledged by them to have been received with the intimation that the Soviets were making inquiries. No report regarding the said documents and the said inquiries have been received from the Government of India.
  - (c) Details of verification actually made by the Government of India and the outcome thereof regarding the news of imprisonment of Netaji Subhas Chandra Bose in Russia could not be reported to the Commission as called for by it.
  - (d) Photographs taken of the scene of the alleged plane crash at Taihoku on August 18, 1945 as also photographs taken at the Hospital at Taihoku

Page 39 & 44.

- 40 -

12

after the alleged death of Netaji were called for but not received from the Government of India.

- (e) Jawaharlal Nehru's letters to the British Prime Minister during 1945 to 1947.
- (f) The original report (or authenticated copy thereof) of the Foreign Ministry, Government of India, marked as exhibit 29-3 before Justice Khosla Commission of Inquiry.
- (g) Micro-film/Micro-Fiches of all documents relating to Netaji Subhas Chandra Bose lying in the custody of CIA/Office of the Strategic Services were called for from the Government of India but not received.
- 7. Some of the documents/reports/information etc. called for from the Government of India which could not be furnished to the Commission are noted below:
  - (a) Report regarding originals of the Radio Messages dated 26.12.1945, 01.01.1946 and February, 1946 (no day of the month is mentioned) of Netaji Subhas Chandra Bose and the source of receipt of the said messages as mentioned at cor.pages 21 and 22 of the PMO's confidential File No.870/11/P/16/92-Pol. on the subject, "Disappearance of Netaji Subhas Chandra Bose - p.p.s. Reg:"
  - (b) According to Secret Report No.10/Misc. INA made in 1946 to the Wavell Government, "Nehru received a letter from Bose saying that he was in Russia and that he wanted to escape in India" (vide c.p.s. 16-20 of PMO's Secret File No.2/64/78-PM). The said letter or an authenticated copy thereof was not received from the Government of India though called for.
  - (c) No report received from the Government of India regarding the action taken on the letter dated August 7, 1995 of Shri Amiya Nath Bose addressed to the then Prime Minister wherein Shri Bose stated, inter alia, that he was having conclusive evidence in his possession to establish that Netaji was alive in Soviet Union on July 22, 1946 (vide cor.page 427 of PMO's Secret File No.870/11/P/95-Pol.)
- In view of the facts and circumstances stated/referred to above, I am directed to request you to kindly take necessary steps for extension of the term of Justice M.K.

Page 40 of 44

SEP. 07 2004 01:49PM P5

-41-



- In d.o. letter No.IMCI/Records/ND/99-2000/37(IV)/170 dated August 26, 2004 of the Secretary of the Commission addressed to the Director (CNV), Ministry of External Affairs, Government of India, his attention has been drawn to the photo-copy of the note dated 02.12.1954 of Shri M.O. Mathai which was endorsed to the then Joint Secretary (AD), Shri Prem Krishan under P.M.'s Sectt. U.O. No. D/S 13170 dated 02.12.1954 as could be found in the photo-copy of the top secret File No. 23(11)/56/57/PM of the P.M.'s office (Political Section) on the subject, "TNA Treasure" wherefrom it appears that the Ministry of External Affairs received a small amount of Rs.200/- and odd along with the ashes and other remains of "Late Shri Subhas Chandra Bose" from the Indian Embassy in Tokyo and the Director (CNV) has been requested to report on the following points:
  - i. When and under what circumstances were the alleged ashes of Netaji received by the Ministry of External Affairs from the Indian Embassy in Tokyo as mentioned in the aforesaid note dated 02.12.1954?
  - ii. Where were the ashes and other remains mentioned in the said note dated 02,12.1954 preserved?
  - iii. If not preserved, what did happen to those ashes and remains?

The reply of the Ministry of External Affairs, Government of India, is awaited.

Page 41 2 44.

FAX NO. : 091 033 252 2765

SEP. 07 2004 01:49PM P6

- 42-



- 7. (a) In the d.o. letter No.JMC1/EO/2002-03/83(III)/93 dated 28.06.2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India, it has been requested, inter alia: "It may be intimated whether the Chief Priest of Renkoji temple has been formally requested to make available the alleged ashes to the experts who may be appointed by the Commission for D.N.A. test of the same. The Commission may also be informed whether any reply to such request,... has been received." The Commission is yet to receive any reply of the Ministry of External Affairs, Government of India to the aforesaid queries of the Commission.
  - (b) The Commission is still continuing its efforts to ascertain the prima facie feasibility of D.N.A. tests of the alleged ashes of Netaji Subhas Chandra Bose kept in the Renkoji temple in Japan.
- 9. With Commission's letter No. JMCI/Meeting-Proceedings (Follow Up)/99-2000/48(V)/166 dated August 26, 2004 addressed to the Joint Director, Intelligence Bureau, Ministry of External Affairs, Government of India, a fresh list of 18 files available with the Intelligence Bureau on Micro-film purported to be relevant to the inquiry of the Commission has been sent to the said Joint Director who has been requested to get those files ready under intimation to this Commission to enable the Commission to examine those files without any more loss of time. Further intimation of the Intelligence Bureau in the matter is awaited.
- The Director (S), Ministry of Home Affairs, Government of India, has again been requested to take effective steps so that the File No.10/22/CM-68 is sent to the Commission without any further delay. He has also been requested that if the contents of the said file are still classified as Secret, the competent authority should be moved so that the file may be made available to the Commission at least for the perusal of the Hon'ble Chairman as was done earlier in the case of more than one file in respect of which privilege has been claimed by the Ministry of Home Affairs, Government of India (vide d.o. letter no. JMCI/Records/ND/99-2000/37(IV)/106 dated July 12, 2004 of the Secretary addressed to the Director (S), Ministry of Home Affairs, Government of India. The response of the Ministry is still awaited.

Page 42844.

FAX NO.: 091 033 252 2765

SEP. 07 2004 01:50PM P7

-43-

Justice Makherjee Commission of Inquiry

88For Inquiry Into the Alleged Disappearance of NETAJI SUBIJAS CHANDRA BOSE. 'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata-700087

Extracts of Paras 4 (a) and (b), 5, 7 (a) and (b), 9, 10, and 14 Status Report for August 2004

- 4. A provisional programme for visit of the Commission to Russia was sent to the Ministry of External Affairs, Government of India, in Commission's' d.o. letter No. JMCI/EO/2002-2003/83(III)/112 dated July 21, 2004 of the Secretary addressed to the Director (CNV), Ministry of External Affairs, Government of India. Acknowledging the receipt of the said programme, the Director (CNV) in his d.o. letter No.25/4/NGO-Vol.XII dated August 12, 2004 suggested: "that the itinerary of JMCl's visit to Russia including the dates of the visit should be finalized only after receipt of further inputs from our Mission in Moscow. We shall keep you updated in the matter". No further communication of the matter has been received. The Ministry of External Affairs has been reminded by the Commission to take necessary action so that the Commission can visit Russia within September 30, 2004 or at best by the first week of October, 2004 to avoid the bitter winter of Russia vide Secretary's d.o. letter No.JMCI/EO/2002-2003/83(III)/186 dated August 30, 2004 addressed to the Director (CNV), Ministry of External Affairs, Government of India.
  - (b) In the Commission's said d.o. letter dated August 30, 2004 it has also been stated that finalization of the programme of the Commission's visit to Taiwan and some other places also depends on the time of the proposed visit of the Commission to Russia.
- 5. The attention of the Director (CNV) has been drawn to Commission's letter No. JMCI/Overseas/Witnesses/2002-2003/70(II)/188 dated 05.08.2003 addressed to the Joint Secretary, (CNV), wherein the latter was requested to send particulars of some suitable willing Indian scholars/students of Post Graduate class available in the USA indicating/suggesting the rate of remuneration, if any, acceptable to them unless they would agree to do the job of archival research at various American repositories of relevant historical documents relating to Netaji Subhas Chandra Bose, free of remuneration for academic interest or for the love and respect for Netaji. In the statement forwarded by the Ministry of External Affairs, Government of India with their d.o. letter no. 25/4/NGO-Vol.XII dated August 18, 2004, it has been stated, inter alia: "Our Mission in Washington has been requested to depute an Officer to look at the documents". Further development in the matter is awaited.

Page 43 & 44.

FAX NO. : 091 033 252 2765

SEP. 07 2004 01:51PM P8

-44-

Mukherjee Commission of Inquiry for a further period of one year beyond November 14, 2004.

9. Necessary Government Notification extending the term of the Commission for a further period of one year w.e.f. November 15, 2004 may kindly be communicated at an early date so that the Government of India may get adequate time to remove the hurdles mentioned/referred to herein-before and the Commission may continue its inquiry without any break or interruption and may draw up its programmes for hearing in different places of India and abroad which are essentially warranted for proper completion of the inquiry of the Commission.

Encl: as stated above

Yours faithfully,

(P.K. Sengueta) Secretary

Page 44 844.

सं. VI/11034/18/98- डी. (III) भारत सरकार गृह मंत्रालय

作。2010年,并

188

प्रति संख्या 6/

# मंत्रिमंडल के लिए नोट

विषय: नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता हो जाने की जांच करने संबंधी न्यायमूर्ति मुखर्जी जांच आयोग के कार्यकाल का विस्तार

#### 1. प्रस्तावना

- 1.1 चूंकि 18.08.1945 को एक विमान दुर्घटना में नेताजी की मृत्यु से संबंधित रिपोर्ट को सार्वभौमिक रूप से स्वीकार नहीं किया गया था, इसलिए सच्चाई का पता लगाने के लिए अप्रैल, 1956 में नेताजी के एक निकट सहयोगी श्री शाह नवाज खान की अध्यक्षता में एक जांच समिति का गठन किया गया। समिति इस निष्कर्ष पर पहुंची कि नेताजी की मृत्यु एक विमान दुर्घटना में हो गई थी और उनके अवशेषों को जापान में रेनकोजी मंदिर में रखा गया। इस निष्कर्ष को सरकार द्वारा स्वीकार कर लिया गया किन्तु लोगों के कुछ वर्गों द्वारा इसे स्वीकार नहीं किया गया।
- 1.2 इस मामले की नए सिरे से जांच करने के संबंध में अनेक संसद सदस्यों द्वारा की जा रही निरन्तर मांग के अनुसरण में जुलाई, 1970 में न्यायमूर्ति जी.डी. खोसला की अध्यक्षता में एक जांच आयोग का गठन किया गया। न्यायमूर्ति खोसला आयोग ने भी यह निष्कर्ष निकाला कि नेताजी की मृत्यु विमान दुर्घटना में ही हुई थी। मंत्रिमंडल ने अगस्त, 1974 में इस निष्कर्ष को स्वीकार कर लिया किन्तु इसे सार्वभौमिक रूप से फिर भी स्वीकार नहीं किया गया।
- 1.3 इस मामले को लोक सभा में अनेक अवसरों पर उठाया जाता रहा तथा इसकी नए सिरे जांच किए जाने की मांग की गई। नेताजी के अवशेषों को वापस लाने का प्रश्न भी उठाया गया। यह महसूस किया गया कि यह तभी किया जा सकता है जब जनता की राय इसके पक्ष में हो।

1 गुप्त

Jc.



## सं. VI/11034/18/98- डी. (III) भारत सरकार गृह मंत्रालय

- 1.4 अप्रैल, 1998 में किसी श्री रुद्र ज्योति भट्टाचार्य ने कोलकाता उच्च न्यायालय में एक रिट याचिका दायर की जिसमें नेताजी के लापता होने की नए सिरे से जांच किए जाने की मांग की गई। कोलकाता उच्च न्यायालय ने 30.4.1998 के अपने निर्णय में, इस विवाद को समाप्त करने के उद्देश्य से एक विशेष मामले के तौर पर, यदि आवश्यक हो तो एक जांच आयोग का गठन करके इसकी विस्तृत जांच करने के निर्देश जारी किए।
- 1.5 पश्चिम बंगाल विधान सभा ने भी 29.12.1998 को एक प्रस्ताव पारित किया जिसमें मांग की गई:

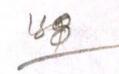
"िक भारत सरकार को भारत में तथा भारत के बाहर अभिलेखों एवं दस्तावेजों की उपलब्धता के लिए आवश्यक प्रबंध करने चाहिएं ताकि विद्वान एवं अन्य लोग उनको देख सकें तथा एक नया जांच आयोग भी गठित किया जाए ताकि नेताजी सुभाष चन्द्र बोस के पते-ठिकाने के रहस्य को दूर किया जा सके"

- 1.6 पश्चिम बंगाल सरकार ने नेताजी सुभाष चन्द्र बोस के रहस्यपूर्ण तरीके से लापता होने के संबंध में एक जांच आयोग गठित करने की सिफारिश की।
- 1.7 तत्कालीन गृह मंत्री द्वारा 25.3.1999 को प्रतिष्ठित व्यक्तियों की एक बैठक बुलाई तािक उस तरीके पर विचार-विमर्श किया जा सके जिससे कोलकाता उच्च न्यायालय के निदेशों और पश्चिम बंगाल विधान सभा के प्रस्ताव को लागू करने के लिए कार्रवाई की जा सके। यह महसूस किया गया कि मामले में तािर्किक निष्कर्ष पर पहुंचने के उद्देश्य से एक अन्य जांच आयोग गठित करना उचित होगा तािक किसी निश्चित निष्कर्ष पर पहुंचा जा सके। तदनुसार, मंत्रिमंडल द्वारा विचार किए जाने हेतु एक नोट तैयार किया गया।

सबी किया जा सकता है जेन करता की राज राजा, पढ़ है है।

#### सं. VI/11034/18/98- डी. (III)

# गृह मंत्रालय



#### न्यायमूर्ति मुखर्जी जांच आयोग का गठन 2.

नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता हो जाने के मामले में जांच करने के लिए जांच 2.1 आयोग अधिनियम, 1952 की धारा 3 के तहत एक जांच आयोग के गठन हेत् गृह मंत्रालय द्वारा प्रस्तृत एक प्रस्ताव पर मंत्रिमंडल ने 28.04.1999 को आयोजित अपनी बैठक में विचार किया। दिनांक 28.04.1999 को मंत्रिमंडल द्वारा विचार किए गए नोट की एक प्रति संलग्न है (अनुलग्नक-I)। मंत्रिमंडल ने प्रस्ताव का अनुमोदन कर दिया और दिनांक 14.05.1999 की अधिसूचना (प्रति अनुलग्नक-11 के रूप में संलग्न) के तहत, भारत के उच्चतम न्यायालय के एक सेवानिवृत्त न्यायाधीश न्यायमूर्ति एम.के. मुखर्जी की अध्यक्षता में एक जांच आयोग का गठन किया गया।

#### 3. आयोग के विचारार्थ विषय

- न्यायमूर्ति मुखर्जी आयोग से यह अपेक्षित है कि वह 1945 के दौरान नेताजी सुभाष चन्द्र बोस के लापता होने से संबंधित सभी तथ्यों और परिस्थितियों की और उससे संबंधित बाद के घटनाक्रम की जांच करे जिसमें निम्नलिखित बातें शामिल हैं:-
  - क्या नेताजी सुभाषचन्द्र बोस जीवित हैं या नहीं; (क)
  - यदि वे जीवित नहीं हैं तो क्या उनकी मौत, जैसा कि कहा जाता है, विमान दुर्घटना में हुई थी; (ख)
  - क्या जापानी मंदिर में रखी गई अस्थियां नेताजी की अस्थियां हैं: (刊)
  - क्या उनकी मौत किसी अन्य तरीके से किसी अन्य स्थान पर हुई है, यदि हां तो कहां और (甲) कैसे:
  - यदि वह जीवित हैं तो कहां हैं। (哥)



### सं. VI/11034/18/98- डी. (III) भारत सरकार गृह मंत्रालय

3.2 आयोग द्वारा उस तरीके पर भी विचार किया जाना अपेक्षित है जिस तरीके से नेताजी की मृत्यु अथवा उनके जीवित होने का प्रश्न उठाने वाले प्रकाशनों की, ऐसी परिस्थितियों में केन्द्रीय सरकार द्वारा जांच की जा सकती है।

# 4. आयोग द्वारा कार्य पूरा किए जाने की समयाविध

4.1 आयोग के गठन के संबंध में 14.05.1999 की अधिसूचना में यह कहा गया कि आयोग जितनी जल्दी संभव हो, अपनी रिपोर्ट प्रस्तुत करेगा किन्तु वह रिपोर्ट प्रस्तुत करने में अधिसूचना के प्रकाशन की तारीख से छः माह से अधिक समय नहीं लेगा। आयोग का कार्यकाल, आयोग से प्राप्त अनुरोध के आधार पर, समय-समय पर बढ़ाया जाता रहा है। बढ़ाई गई मौजूदा अविध 14.11.2004 को समाप्त होगी।

## 5. आयोग द्वारा किया गया व्यय

5.1 अपने प्रारंभ से ही आयोग द्वारा वर्ष-वार किया गया व्यय इस प्रकार है:-

क्र.सं.	वर्ष	वहन किया गया व्यय (रुपए लाख में)	
1.	1999-2000	17.57	
2.	2000-01	29.24	
3.	2001-02	33.67	
4.	2002-03	33.29	
5.	2003-04	33.91	

2004-05 के चालू वर्ष के दौरान सितम्बर, 2004 तक वहन किया गया व्यय 19.68 लाख रुपए है जबकि बजट प्रावधान 50 लाख रुपए का है।

### सं. VI/11034/18/98- डी. (III) भारत सरकार

# गृह मंत्रालय

# कार्यकाल में विस्तार के लिए आयोग द्वारा प्रस्तुत प्रस्ताव

6.1 आयोग ने अपने दिनांक 07.09.2004 के पत्र (प्रति अनुलग्नक-III पर संलग्न) से सूचित किया है कि वह उसे 14.11.2004 तक की दी गई समय-सीमा में अपनी जांच पूरी करने की स्थिति में नहीं है। आयोग ने 14.11.2004 से अगले एक वर्ष के लिए विस्तार देने का अनुरोध किया है।

#### 7. आयोग से प्राप्त स्पष्टीकरण

7.1 आयोग का कार्यकाल के विस्तार के प्रस्ताव के संबंध में आयोग से उसके द्वारा अब तक किए गए कार्य, किए जाने वाले शेष कार्य और जांच खत्म करने की प्रस्तावित समय-सीमा विशिष्ट रूप से बताने का अनुरोध किया गया था। इन बिन्दुओं पर आयोग से प्राप्त उत्तर उत्तरवर्ती पैराग्राफों में संक्षेप में विनिर्दिष्ट किए गए हैं।

## 7.2 किए गए कार्य की सीमा

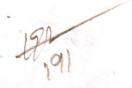
## इस संबंध में आयोग ने इस प्रकार सूचित किया है कि:

(क) प्रदर्शों के रूप में चिह्नित दस्तावेजों की कुल संख्या : 857
(ख) सामग्री-प्रदर्शों के रूप में चिह्नित सामग्रियों की कुल : 97 संख्या
(ग) जांच किए गए साक्ष्यों की कुल संख्या : 119
(घ) अभिसाक्षियों द्वारा दाखिल हलफ़नामों की संख्या : 73
(ङ) उपर्युक्त क्रम सं. (घ) के हलफ़नामों में अभिसाक्षियों : 79 और सह-अभिसाक्षियों की संख्या
(च) भारत सरकार और पश्चिम बंगाल सरकार से प्राप्त

(च) भारत सरकार और पश्चिम बंगाल सरकार से प्राप्त और विदेशी दस्तावेजों सहित विशाल अभिलेखों/ मुद्रित मामलों/पुस्तकों की जांच कर ली गई है।

के भीतार के किए कोड कमाना जानका के लोड कार्य प्रमुख कार को है क्षानी होते हैं के साम की कार्य की की की की कार्य

क्षेत्र है जिसे में है कि बार देखा को में की समावन है।



## सं. VI/11034/18/98- डी. (III) भारत सरकार गृह मंत्रालय

# 7.3 आयोग द्वारा किया जाने वाला शेष कार्य

इस संबंध में आयोग ने सूचित किया है कि: कुछ का क्षेत्र कार्य के कार्य के कार्य के कार्य के कार्य के कार्य के कार्य

- भारत से बाहर पहले जांच किए गए संबंधित साक्ष्यों का मौजूदा अता-पता तथा विदेशों में
   रह रहे नए बताए गए साक्ष्यों के अते-पते आयोग को अभी लेने हैं।
- ii) आयोग को अभी विदेशों से कतिपय दस्तावेज प्राप्त करने हैं।
- iii) आयोग रूस, ताइवान, वियतनाम, थाइलैण्ड, मलेशिया और सिंगापुर जैसे देशों में उपलब्ध साक्ष्यों और अभिलेखों की जांच के लिए उन देशों की यात्रा का प्रस्ताव करता है।

इस संबंध ने आसीन के इस प्रकार स्ववित जिस्ता

- iv) भारतीय विशेषज्ञों सहित शेष भारतीय गवाहों का साक्ष्य लेना है।
- v) संबंधित दस्तावेजों की प्रतियां, जिन्हें आयोग द्वारा मांगा गया लेकिन अभी तक प्राप्त नहीं हुई हैं, लेने के लिए गवाहों के लिए समय-सीमा का विस्तार करना होगा। तत्पश्चात, अपना तर्क प्रस्तुत करने के लिए गवाहों को अवसर देना होगा।
- vi) जापान के रेनकोजी मंदिर में रखी नेताजी की कथित अस्थियों की डी.एन.ए. परीक्षा करनी अभी शेष है।

## 7.4 जांच पूरी करने के लिए संभावित समय-सीमा

आयोग ने सूचित किया है कि शेष काम को पूरा किए जाने के पश्चात् लगभग तीन महीनों की अवधि के अंदर रिपोर्ट तैयार कर लिए जाने की संभावना है।

## सं. VI/11034/18/98- डी. (III)

#### भारत सरकार

#### गृह मंत्रालय

- 7.5 आयोग ने इंगित किया है कि निम्नलिखित दबावों के कारण, अपनी जांच पूरी करने के लिए निर्धारित समय-सीमा का वह अनुमान नहीं लगा पाया तथा भारत सरकार को 14.11.04 के बाद एक वर्ष के लिए और समय विस्तार देने का अनुरोध किया है।
  - जांच की विषय-वस्तु अर्धशती से भी अधिक पुरानी है; जिस देश में कथित रूप से हवाई दुर्घटना हुई, उसके साथ कोई राजनियक संबंध नहीं है; वह स्थान जहां संबंधित गवाह तथा दस्तावेजी सबूत उपलब्ध होने की संभावना है, वह भारत से दूर विदेशों में है तथा उन देशों का अपेक्षित जवाब उपलब्ध नहीं है।
  - संगत अभिलेखागार संबंधी दस्तावेजों और उपलब्ध संगत साक्ष्यों का परीक्षण करने के लिए आयोग को रूसी संघ के आयोग के संयुक्त कार्य प्रोग्राम के बारे में क्लीयरेंस लेना अभी बकाया है।
  - iii) ताईवान और दक्षिण-पूर्वी एशिया के अन्य स्थानों को आयोग का दौरा आयोग के रूसी संघ को प्रस्तावित दौरे पर निर्भर करेगा।
  - iv) आयोग के पिछले दो वर्षों के प्रयासों के बावजूद जापान के रेनकोजी मंदिर में नेताजी सुभाष चन्द्र बोस के कथित अवशेषों को रखे जाने का डी.एन.ए. परीक्षण करने के मामले में थोड़ी-सी बाधा उत्पन्न हुई है।
  - v) नेताजी से संबंधित संगत ऐतिहासिक दस्तावेजों का विभिन्न अमेरिकी भण्डारागारों में अभिलेखागार संबंधी अनुसंधान कार्य करने के लिए संयुक्त राज्य अमेरिका में उपलब्ध उपयुक्त भारतीय विद्वानों/विद्यार्थियों के विवरण अभी प्राप्त होने बाकी हैं। संगत दस्तावेजों की पहचान होने पर आयोग संयुक्त राज्य अमेरिका का दौरा कर सकता है।

## सं. VI/11034/18/98- डी. (III) भारत सरकार गृह मंत्रालय

vi) संबंधित मंत्रालयों/विभागों तथा विदेशों से संग्रह किए जाने वाले अपेक्षित दस्तावेजों/
अभिलेखों/प्रतिवेदनों को उपलब्ध कराना अभी बाकी है। ऐसा न करने पर एक हलफनामा
देना होगा जिसमें विदेशों से संग्रह/प्रापण के प्रयासों का विवरण तथा उन परिस्थितियों का
विवरण देना होगा जिनके कारण यह आयोग को उपलब्ध नहीं कराए जा सके।

# 8. आयोग द्वारा उठाए गए बिन्दुओं पर टिप्पणी

- 8.1 आयोग गृह मंत्रालय, विदेश मंत्रालय, रक्षा मंत्रालय, प्रधानमंत्री कार्यालय, मंत्रिमंडल सिववालय, भारत के राष्ट्रीय अभिलेखागार तथा आसूचना ब्यूरो जैसे विभिन्न मंत्रालयों/विभागों से अनुरोध करता रहा है कि वे आयोग द्वारा अपेक्षित निश्चित दस्तावेज उपलब्ध कराएं। इन मंत्रालयों/विभागों ने नेताजी से संबंधित सभी वर्गीकृत या अन्य उपलब्ध दस्तावेज आयोग को उपलब्ध करा दिए हैं। विशिष्ट दस्तावेज जो उपलब्ध नहीं हैं उनके बारे में संबंधित मंत्रालयों/विभागों ने आयोग को शपथपत्र दिया है। विदेश और गृह मंत्रालय यथासमय विदेशों का दौरा करने के लिए आवश्यक सहायता प्रदान करा रहे हैं।
- 8.2 ऐसा प्रतीत होता है कि आयोग द्वारा किए गए कार्य की प्रगति बहुत धीमी है और 5½ वर्षों के पश्चात बहुत सारा कार्य किया जाना अभी बाकी है। शेष कार्य पूरा करने में काफी लंबा समय लगेगा। उदाहरण के लिए डी.एन.ए. परीक्षण के मामले में दो वर्षों के प्रयास के बाद भी आयोग अभी डी.एन.ए. परीक्षण के ढंग को अभी अंतिम रूप नहीं दे पाया है। हालांकि आयोग ने एक वर्ष का समय बढ़ाने के लिए कहा है किन्तु उसने यह भी बताया है कि सभी शेष कार्य पूरा करने के पश्चात उसकी रिपोर्ट तैयार करने के लिए तीन महीने का समय लगेगा। आयोग का उत्तर अनिश्चित है और बताई गई समय-सीमा अनिश्चित है। अब भी इस बात की कम संभावना है कि आयोग निकट भविष्य में अपनी रिपोर्ट को अंतिम रूप दे पाएगा।

#### सं. VI/11034/18/98- डी. (III)

#### भारत सरकार

#### गृह मंत्रालय

8.3 तथापि, चूंकि आयोग के कार्य को अनिश्चित रूप से असीम समय में पूरा करने की अनुमित नहीं दी जा सकती है इसलिए प्रस्ताव है कि आयोग को अपना कार्य पूरा करने तथा रिपोर्ट प्रस्तुत करने के लिए दिनांक 14.11.2004 से आगे छह माह की समय-सीमा निर्धारित कर दी जाए। आयोग को सूचित किया जाए कि वह इस अवधि के अन्दर रिपोर्ट प्रस्तुत कर दे।

#### 9. विचारार्थं प्रस्ताव

प्रस्ताव है कि आयोग के कार्यकाल को 14.11.2004 के बाद और छः माह तक बढ़ाया जाए। यह भी प्रस्ताव है कि आयोग को सूचित किया जाए कि आगे और कोई विस्तार प्रदान नहीं किया जाएगा। इसे अपनी रिपोर्ट इसी अविध में पूरी कर लेनी चाहिए तथा उसे प्रस्तुत कर देना चाहिए।

10. उपर्युक्त पैरा 9 में दिए गए प्रस्ताव के संबंध में मंत्रिमंडल का अनुमोदन प्रार्थित है।

the Comment of

- 11. कार्यान्वयन विवरण परिशिष्ट पर दिया गया है।
- 12. इस नोट को गृह मंत्री ने देख लिया है और इसका अनुमोदन कर दिया है।

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संयुक्त सचिव, भारत सरकार

दिनांक नवम्बर, 2004

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# सं. VI/11034/18/98- डी. (III)

भारत सरकार गृह मंत्रालय

परिशिष्ट

# कार्यान्वयन विवरण

विषयः नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता हो जाने की जांच करने संबंधी न्यायपूर्ति मुखर्जी जांच आयोग के कार्यकाल का विस्तार

क्र.सं.	अपेक्षित निर्णय का सार	संभावित लाभ/परिणाम	कार्यान्वयन का तरीका/ मंत्रिमंडल सचिवालय को सूचित करने की समयबद्धता
1.	आयोग का कार्यकाल 14 नवम्बर, 2004 के बाद अगले छः माह के लिए बढ़ाना।	नेताजी सुभाष चन्द्र बोस के लापता हो जाने के संबंध में इस जांच से स्थिति स्पष्ट हो जाएगी।	कार्यकाल का विस्तार किए जाने के लिए मंत्रिमंडल का अनुमोदन प्राप्त होते ही अधिसूचना जारी कर दी जाएगी।
2.	आयोग को यह सूचित करना कि इस अवधि के बाद कार्यकाल का विस्तार और नहीं किया जाएगा और आयोग को अपना कार्य इसी अवधि में पूरा करना होगा तथा अपनी रिपोर्ट प्रस्तुत करनी होगी।	इससे आयोग का कार्यकाल सीमित हो जाएगा और आयोग अपनी रिपोर्ट शीघ्र प्रस्तुत कर सकेगा।	TOUR LEADE MILES

्राकेश) - (राकेश) संयुक्त सचिव, भारत सरकार भारत संस्कार गृह मंत्रालय

# मंत्रिमण्डल के लिए नोट And the property of the proper

to write the little of the papers affects of the विषय : नेताजी सुभाष चन्द्र बोस के तथाकथित गायब हो जाने के संबंध में जांच करने के लिए जांच आयोग की नियुक्ति । 🚟 👫 🖽 🕬 🤻

# refere wire the fire county report they are a county from the county of the county of

केंग्रेड गर्ड का फार के लगारे का तिवास

- प्रम कर्म करमें क्रिक लग 1.1 भारत के महान सपूत नेताजी सुभाष चन्द्र बीस, जिन्हें गांधी जी ने "देशमक्तों का देशभक्त" कहा, भारत की स्वतंत्रता के लिए अत्यधिक प्रतिबद थे । उनका विश्वास था कि अंग्रेजों को सशस्त्र कार्रवाई से निकलना पड़ेगा और निकाला जा सकता था । उन्होंने आजाद हिन्द सरकार की स्थापना की और अंग्रेजों के विरूद लड़ाई में इंडियन नेशनल आर्मी १ आई0एन०ए० १ का नेतृत्व किया । सहायता प्राप्त करने और रणनीति बनाने के लिए वह निरंतर मलाया से सिंगापुर और वहां से बर्मा तथा जापान गए तथा इसके लिए जापान की सहायता प्राप्त करने में सफल हो गए । जब वह अपने मिशन पर थे तब 18 अगस्त, 1945 की तायहोकू [फारमीसा] से प्रस्थान करने के तत्काल बाद उनका बायुयान दुर्घटनाग्रस्त हो गया।
  - देशको विकास के अध्यक्ताम अभिकास की 2701 , जारात 58 1 के क्षांत की क्षेत्रक क्षेत्र क्षेत्रक 1.2 तब से नेताजी ने अपने देशवासियों में अपनी अमिट छवि बना ली थी तथा उनका प्रमाव ऐसा था और उनके प्रति ऐसी श्रदा थी कि दुर्घटना के बाद अस्पताल में उनके निधन की खबर को सर्वत्र माना नहीं गया और वास्तव में इस बारे में अत्यन्त कष्टदायक विवाद बना हुआ है ।
  - notes also regreen to me a first of found to from the case of the case of the भारत सकार ने ऐसे करोड़ी भारतीयों की भावनाओं की ओर ध्यान दिया जिन्होंने वायुयान के दुर्घटनाग्रस्त होने और बाद में उनका निधन होने की खबर की सच्चाई के बारे में वाद-विवाद किया । सच्चाई का पता लगाने के लिए भारत सरकार ने जांच कराने का निर्णय लिया। अप्रैल, 1956 में इसकी अध्यक्षता नेताजी के निकट सहयोगी श्री शहनबाज मां ने की तथा इसमें श्री शिशिर बोस और श्री एन। मैत्रा सीमिलित थे । पूरी जांच के बाद इस सिमिति ने बहुमत से यह

निष्कर्ष निकाला कि वास्तव में वायुयान दुर्घटना में नेताजी का देहान्त हो गया था और उनके पार्थिव अवशेष जापान में रेनकोजी मींदर में रखे हुए हैं। सरकार ने इस निष्कर्ष को स्वीकार कर लिया पल्तु समाज के कुछ वर्गों ने इसे स्वीकार नहीं किया।

1.4 अनेक संसद सदस्यों ने नई जांच कराने की मांग की । अतः भारत सस्कार ने न्यायिक जांच कराने का निर्णय लिया । जुलाई, 1970 में न्यायमूर्ति जी0डी0 स्नोसला को इस जांच आयोग का अध्यक्ष नियुक्त किया गया । उन्होंने अपनी जांच पूरी की और उन्होंने भी यह निर्णय लिया कि नेताजी का देहान्त वायुयान दुर्घटना में हो गया था । केन्द्रीय मीत्रमंडल ने अगस्त, 1974 में इस जांच आयोग के निर्णय को स्वीकार किया । परन्तु नेताजी का व्यक्तित्व और उनका लोकप्रिय करिश्मा ऐसा था कि इस निर्णय को सर्वत्र स्वीकार नहीं किया गया ।

- 2. बाद की घटनाएं 1978 में भारत के प्रधानमंत्री की प्रतिक्रियाः
- 2.1 श्री समर गुहा, संसद सदस्य, जो उन व्यक्तियों में से एक थे जिन्होंने नेताजी के निधन की खबर पर विश्वास नहीं किया, ने यह मामला कई बार लोक सभा में उठाया और दूसरी जांच कराने की मांग की । 28 अगस्त, 1978 को तत्कालीन प्रधानमंत्री श्री मेरारजी देसाई ने लोक सभा में इसका यह कहते हुए उत्तर दिया:

"पहली सिमित की बहुमत रिपोर्ट और श्री खोसला ने निधन की खबर को सब माना।
तब से, इन दोनों रिपोर्ट के निष्कर्षों की सच्चाई के बारे में युक्तियुक्त संदेह व्यक्त
किया गया है तथा गवाहों के साक्ष्य में अनेक महत्वपूर्ण विरोधामास देखे गये हैं। इन
संदेहों और विरोधामासों तथा उन रिकार्डों को ध्यान में रखते हुए सरकार के लिए यह
स्वीकार करना कठिन है कि पहले के निष्कर्ष निर्णायक हैं। साथ ही सरकार का मत है
कि पुनः कोई जांच कराने से कोई सार्थक प्रयोजन सिद नहीं होगा। मुझे आशा है कि
इस बात को देखते हुए मेरे माननीय मित्र अपना प्रस्ताव वापस ले लेंगे।"

2.2 श्री समर गुहा का उत्तर इस प्रकार था:-

"महोदय, आज का दिन सभी भारत वासियों के लिए महत्वपूर्ण दिन है क्योंकि आज भारतीय स्वाधीनता संग्राम के महाज्ञायक के विरुद्ध जो जघन्य अपराध किया गया था उससे मुक्ति प्राप्त कर यदि मैं कहूं कि राजनीतिक षडयंत्र के तहत नेताजी को दफना दिया गया था तो कोई अतिश्योक्ति नहीं होगी । हालांकि इस बात में रंचमात्र भी संदेह नहीं है कि हवाई दुर्घटना कभी हुई ही नहीं थी और कथित दुर्घटना में नेताजी किसी भी प्रकार से शामिल ही नहीं थे । इस संबंध में आज तक कोई सबूत नहीं मिला है ।

# कार्रवाई का तात्कालिक कारणः

3.1 नताजी के पार्थिव अवशेष को जापान से वापस लाने का प्रश्न काफी बाद में उठा। उस समय यह महसूस किया गया कि इसे तभी अंजाम दिया जा सकता है जब जनमत इसके पक्ष में हो। जिस समय ऐसा जनमत जुवने के प्रयास प्रारंभ किए जाने वाले थे तभी कलकत्ता के एक सज्जन श्री रुद्ध ज्योति भड्ववार्जी ने 1 अप्रैल, 1998 को कलकत्ता उच्च न्यायालय में एक रिट यचिका संख्या 281 दायर की जिसमें उन्होंने नेताजी के कथित रूप से गायब हो जाने के संबंध में नए सिरे से जांच किए जाने की मांग की। उच्चतम न्यायालय और कलकत्ता तथा उड़ीसा उच्च न्यायालयों में भी लगभग इसी प्रकार की कुछ रिट याचिकार्य दायर की गई। इनमें नेताजी की मरणोपरान्त "भारत रत्न" प्रदान करने, उन्हें युद अपराधी घोषित किया गया था अथवा नहीं, उनके पार्थिव अवशेष की किन परिस्थितियों में भारत लाया जा सकता है आदि जैसे मुद्दों को सर्थ किया गया था।

3.2 कलकत्ता उच्च न्यायालय ने श्री भड्वचार्जी दास दायर रिट याचिका पर 30.4.1998 को अपना निर्णय सुनाते हुए निदेश दिया कि इस विवाद का अंत करने के लिए विधि के अनुसार, यदि आवश्यक हो तो जांच आयोग का गठन करके इसकी व्यापक छानबीन की जाए । जिन

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१ग इं क्या जापानी मींदर में रखे अस्थि-अवशेष नेताजी के हैं,

अच अन्य किसी स्थान पर अन्य किसी रूप में हुई थी,
 यि ऐसा है तो कब और कैसे हुई,

प्रतिवादी उक्त प्रयोजन से इस न्यायालय दारा 1997 की रिट याचिका सं0 1805 में दिए गए निदेशों अर्थात भारत के लोगों को विश्वास में लेने का पालन करेगा।

प्रतिवादी उक्त मामले से संबंधित सभी प्रकाशनों की जांच उपयुक्त स्तर पर करके, आवश्यक होने पर ऐसे प्रकाशनों पर प्रतिबंध लगाएगा जो नेताजी की मृत्यु या किसी अन्य पक्ष से संबंधित हो और उनसे लोक व्यवस्था में व्यवधान हो सकता हो और हिंसा भड़क सकती हो।

प्रतिवादी यदि उन्हें ऐसी सलाह दी जाएगी वो सभी प्रकाशन गृहों को सूचित करेंगे कि वे इस विषय पर कोई प्रकाशन करने से पहले इनकी पूर्व अनुमति लें और ऐसी अनुमति देने से पहले वे उपर्युक्त तरीके से संवीक्षा हुजांचह करें ।

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डा० शिशिर कुमार बोस, न्यायमूर्ति १ सेवानिवृत्त १ आर०एस० नहला, डा० डी०बी० कलमांकर, श्री सेली सोराबजी, भारत के महान्यायवादी तथा प्रधानमंत्री कार्यालय, विदेश मंत्रालय, रक्षा मंत्रालय, शिक्षा किन्नाज, विधि मंत्रालय के प्रतिनिधि तथा गृह मंत्रालय के अधिकारी शामिल थे । कर्नल लक्ष्मी सहगल को आमंत्रित किया गया था किन्तु वे भाग नहीं ले सकी किन्तु उन्होंने अपने विचार मेज दिए जिन्हें बैठक में भाग लेने वालों के बीच परिचालित किया गया ।

5.2 बैठक में किया गया विचार-विमर्श उपस्थित व्यक्तियों की व्यक्तिगत जानकारी तथा अनुभव, शाह नवाज खान समिति तथा खोसला आयोग के निष्कर्षों पर आधारित था । अन्ततः यह महसूस किया गया कि इस मामले को एक बार तर्कपूर्ण ढंग से समाप्त करने के लिए नेताजी सुभाष चन्द्र बोस के संबंध में ठोस निष्कर्ष तक पहुँच ने के प्रयोजन से एक बहुत विशेष मामले के रूप में दूसरा जांच आयोग गठित करना उचित होगा ।

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# 6• प्रस्तावित कार्य योजनाः

6.1 अतः यह प्रस्ताव किया जाता है कि जांच आयोग अधिनियम, 1952 की धारा 3 के तहत एक जांच आयोग नियुक्त किया जाए जो नेताजी सुभाष चन्द्र बीस के कथित लापता हो जाने के बारे में जांच करे । आयोग के विचारार्थ विषय अधिसूचना के मसीदे में दिए गए हैं जो परिशिष्ट-।।/ पर है ।

- 6-2 यह भी प्रस्ताव किया जाता है कि भारत के मुख्य न्यायाधीश से निवेदन किया जाए कि वे जांच करने के लिए भारत के उच्चतम न्यायालय या उच्च न्यायालयों के सेवानिवृत्त न्यायाधीशों में से किसी एक उपयुक्त व्यक्ति के नाम का सुझाव दें।
- 6.3 अध्यक्ष का एक पद; सिचव का एक पद, विशेष कार्य अधिकारी का एक पद और 21 अन्य पदों की निरूपित करने वाले समर्थक पद सृजित किए जाने का भी प्रस्ताव है जिनके वैतनमान परिशिष्ट-1/ पर दिए गए विवरण मैं प्रत्येक पद के सामने दर्शाए गए हैं ताकि आयोग

### पन0सं0 1/1-11034/18/98-डी § 111 § भारत सरकार गृह मंत्रालय

अनुचित देरी के बिना अपना कार्य शुरू कर सके । परिशिष्ट- 🗸 पर दिए गए पर्दों की संख्या, जो कि आयोग के कार्यकलापों के शुरू होने पर उस की आवश्यकता पर निर्भर करती है, आगे बढ सकती है । आगे और पद बनाने की आवश्यकता को भी ध्यान में रखे जाने की जरूरत है ।

- ७ प्रार्थित अनुमोदनः
- 7.1 अतः निम्नलिखित के लिए मंत्रिमंडल का अनुमोदन प्रार्थित है:-
- 🤾 🛙 उपरोक्त पैरा 6 1 और 6 2 में यथा प्रस्तावित जांच आयोग की नियुक्ति और,
- ≬ii≬ उत्पर पैरा 6•3 में यथाविनिर्दिष्ट आयोग के लिए समर्थक स्वफ के प्रारंभिक पदों का सुजन ।
- कार्यान्वयन अनुसूची विवरण परिशिष्ट-I पर है ।
- 9 इस मामले में विधि, न्याय और कंपनी कार्य मंत्रालय के विचार मांगे गए थे और वे अभी प्राप्त होने हैं । बैठक में उनके विचार मालूम किए जाएं ।
- 10. वित्त मंत्रालय के विचार प्राप्त हो गए हैं । परिशिष्ट-1/1 । परिशिष्ट-1/ पर यथा प्रस्तावित पर्दों के सुजन के बारे में कुल वित्तीय दायित्व लगभग 38,80,000/- रू० प्रतिवर्ष है। एक बार प्रस्ताव का अनुमोदन हो जाने पर पदों के सुजन के बारे में विशिष्ट प्रस्ताव वित्त मंत्रालय । व्यय विभाग को अलग से फाइल पर प्रस्तुत किए जाएंगे।
- 11. इस नोट को गृह मंत्री जी ने देख लिया है और अनुमीदित कर दिया है।

्रीनीसल कुमार्श

क्ष्म है कि कि क्षेत्र भारत सरकार

दिनांक 21 अप्रैल, 1999

# भ0सं0 \/1/11034/18/98-डी§।।।§

पश्चिम बंगाल सरकार संसदीय कार्य विभाग

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दिनांक 6 औरत, 1999

संद्या 634-पा॰ए॰

प्रेषक : आर॰पी॰एस॰ कहलों, आई॰ए॰एस॰, संयुक्त सचिव, संसदीय कार्य विभाग. पश्चिम बंगाल सरकार ।

सेवा में

श्री ए०के० पैटेण्डि, आई•ए•एस•, निदेशक, आन्तरिक सुरक्षा, गृह मंत्रालय, भारत सरकार

फैक्स सं0-011-3015750

महोदय.

कृपया नेताजी सुभाष चन्द्र बोस के रहस्यमय ढंग से लापता हो जाने के बारे में जांच आयोग गठित करने के संबंध में 5 औरल, 1999 को प्रधान सचिव, गृह तथा गृह सचिव, पश्चिम बंगाल सरकार के साथ दूरभाष पर हुई अपनी बाताचीत का स्मरण करें । इस विषय पर दिनांक 24 दिसम्बर, 1998 को पश्चिम बंगाल विधान सभा में एक संकल्प पारित किया गया ।

राज्य सरकार नेताजी सुभाष चन्द्र बोस के रहस्यमय ढंग से लापता होने की जांच कराने क्री सिफारिश करती है।

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क हलाँ हैं आर•पी•एस• कहलाँ हैं विकास के किल जान के किए रह अपने के किए इस अपने विकास के कार्य से विकास कि विकास से विकास सीचव

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परिशिष्ट-। 1

गुप्त

। भारत के राजपत्र, असाधारण, भाग-।।, खण्ड 3, उपसंड हे ।। हे में दिनांक

को प्रकाशनाध

भारत सरकार

गृह मंत्रालय

नई दिल्ली, दिनांक

का0आ0 यतः 16 अगस्त, 1945 के आसपास नेताजी सुभाष चन्द्र बोस के बैंकाक से प्रस्थान करने, एक विमान दुर्घटना के परिणामस्वरूप उनकी मृत्यु होने तथा उससे जुड़े अनुवर्ती पटनाकम से सम्बद्ध स्थितियों की जांच करने तथा भारत सरकार को इसकी रिपोर्ट देने के लिए भारत सरकार द्वारा कमशः औरल, 1956 तथा जुलाई, 1970 में गठित शाहनवाज सान समिति तथा सौसला जांच आयोग का निष्कर्ष यह था कि नेताजी सुभाष चन्द्र बोस की मृत्यु एक विमान दुर्घटना में हुई है।

और यतः जनता की यह व्यापक धारणा है कि नेताजी की मृत्यु के बारे में सच्चाई का पता लगाने की समस्या अभी भी बनी हुई है ।

और यतः इस मामले में आगे और जांच करने की निरंतर मांग रही है ।

और यतः कलकत्ता उच्च न्यायालय ने भी भारत सरकार को यह निदेश दिया कि इस विवाद को समाप्त करने के प्रयोजन के लिए विस्तृत जांच कराई जए, यदि आवश्यक हो तो इस प्रयोजन के लिए जांच आयोग का गठन किया जाए ।

और यतः पश्चिम बंगाल विधान सभा में एक संकल्प पारित किया गया जिसमें इस मामले में आगे और जांच की मांग की गई है ।

और यतः केन्द्र सरकार का यह मत है कि सार्वजनिक महत्व के निश्चित मामले की यानि 1945 में नेताजी सुभाष चन्द्र बोस के गायब हो जाने की जांच करने के उद्देश्य से एक जांच आयोग गठित किया जाना आवश्यक है।

204

#### गुप्त फा0सं0 \/।/11034/18/98-डी}्।।।} गृह मंत्रालय

अतः, अब जांच आयोग अधिनियम, 1952 §1952 का 60 ई की धारा 3 बारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार पतद्वारा एक जांच आयोग गठित करती है, जिसमें -

शामिल हैं।

2. 1945 में नेताजी सुभाष चन्द्र बोस के लापता होने से संबंधित सभी तृथ्यों और पिरिस्थितियों और इससे संबंधित बाद की घटनाओं की यह आयोग जांच करेगा जिसमें निम्निलिखत शामिल हैं :-

ईक है क्या नेताजी सुभाष चन्द्र बोस की मृत्यु हो गई है या जीवित हैं,

§स र्थे यिव उनकी मृत्यु हो गई है क्या विमान दुर्घटना में उनकी मृत्यु हुई है जैसा कि आरोप लगाया गया है,

§ग इ क्या जापान के मंदिर में जो अस्थियां है, वह नेताजी की अस्थियां है,

१घ१ क्या उनकी मृत्यु किसी अन्य ढंग से किसी अन्य स्थान पर हुई है और यदि हां, तो कब और कैसे हुई,

्रेड • १ यदि वह जीवित है, तो उनके ठौर-ठिकाने के बारे में बताया जाए । उत्तायो ज उस तरीके की भी जांच करेगा जिसमें प्रकाशनों की जांच पड़ताल जिनमें नेताजी की मृत्यु या अन्यथा के प्रश्न पर प्रकाश डाला गया है, का कार्य सरकार दारा इन पीरीस्थितियों में किया जा सकता है ।

- 3 आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथाशीच्र लेकिन इस अधिसूचना के प्रकाशन की तारीख से 6 माह के अन्दर प्रस्तुत करेगा ।
- 4. आयोग का मुख्यालय नई दिल्ली में और/अथवा आयोग दारा निर्धारित अन्य किसी स्थान पर होगा ।
- 5. केन्द्रीय सरकार की राय है कि मामले की अन्य परिस्थितियों और की जाने वाली जांच के स्वरूप की ध्यान में रखते हुए जांच आयोग अधिनियम, 1952 §1952 का 60 § की धारा 5 की

उप धारा 🖇 २ 🖟 , उप धारा 🖇 ३ 🖟 , उपधारा 🖇 ४ 🖟 , और उप धारा 🖇 ५ 🖟 के सभी उपबंध उक्त आयोग पर लागू किए जाने चाहिए और केन्द्रीय सरकार उक्त धारा 5 की उप धारा 🗓 🖟 दारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा यह निदेश देती है कि उस धारा की उक्त उप धारा 🕴 2 🖠 से ∮5∮ के सभी उपबंध आयोग पर लागू होंगे ।

१प्स0सं0-1/1-11034/18/98-आई0एस0-डी १।।।१

§ निखिल कुमार § विशेष सचिव, भारत सरकार The state of the s

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आयोग के लिए ओवश्यक अनीतम स्वफ की सूची
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12•	आशुलिपिक ग्रेड "ग"		
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13•	चपरासी		
	₹2550-3200/-₹0 ₹	3	
14•	जमादार		
	₹2610-3540/-₹0₹	1	
15•	सफाईवाला	1	
16•	बैलिफ का	1	
17.	आदेशिका तामीलकर्ता	1	
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#### गुप्त फा0सं0-1/1-11034/18/98- :डी§।।।§ यह मंत्रालय

नेताजी सुमाष चन्द्र बोस के कथित रूप से गायब होने की जांच करने के लिए एक जांच आयोग रिक्टर करने के बारे में मंत्रिमंडल नोट

# वित्त मंत्रालय, व्यय विभाग से प्राप्त टिप्पणियों का विश्लेषण

# कमं सं० टिप्पणियां

- पहले 1956 में तथा दूसरी बार
  1970 में दो जांच की जा चुकी है,
  जिनमें यह निष्कर्ष निकला कि नेताजी
  की मृत्यु हो गई थी । इतने वर्ष
  व्यतीत होने के बाद नई जांच के
  कोई मिन्न परिणाम निकलना संदेहास्पद
  है । दूसरे जांच आयोग का गठन
  परिहार्य प्रतीत होता है ।
- इस जांच आयोग का कोई कार्यकाल निर्धारित नहीं किया गया है। किलीय निहितार्थ का आंकलन करने के लिए यह अपेक्षित है।
- अपेक्षित बजटीय सहायता नहीं दर्शायी गई है, इसका आकलन करना अपेक्षितहै।

# गृह मंत्रालय का स्पष्टीकरण

वर्तमान आयोग का प्रस्ताव जांच आयोग अधिनियम के अंतर्गत रिट याचिका संख्या 281 पर कलकत्ता उच्चन्यायालय के निर्णय तथा 29.12.98 को पश्चिम बंगाल विधान सभा में पारित प्रस्ताव के अनुपालन में किया जा रहा है जिसकी पश्चिम बंगालसरकार बरा सिफारिश की गई है।

अधिसूचना के मसौवा ध्रपिरिशिष्ट -11/ध्रमें आयोग के लिए छह माह का कार्यकाल निधारित किया गया है ।

परिशिष्ट-।/ पर दिए गए विवरण में उल्लिखित अध्यक्ष एवं अन्य अधिकारियों/कर्मचारियों के वेतन के लिए 38,80000 रूपए प्रीतवर्ष की राशि अपेक्षित होगी। तथापि, आयोग के कार्यकरण को शुरू करने में उसे समर्थ बनाने के लिए यह प्रारंभिक अपेक्षा है, तथा इसमें और वृदि हो सकती हैं जो कि वास्तिवक अपेक्षा पर निर्मर होगी।

गुप्त

4. जांच आयोग के अध्यक्ष/सदस्यों के रूप में नियुक्त किए गए सेवा निवृत्त न्यायाधीशों के निवंधन एवं शर्तों के संबंध में व्यय किभाग के दिनांक 8.10.1987 के का. जा. को ध्यानमें रखते हुए अध्यक्ष का वेतनमान 30,000/-रू० केवल तभी होगा, यदि वह उच्चतम न्यायालय का सेवा निवृत्त न्यायाधीश हो

जांच करने के लिए उच्च न्यायालयों अथवा भारत के उच्चतम न्यायालय के सेवा निवृत्त न्यायाधीशों में से किसी की नियुक्ति करने के लिए पैरा 6 • 2 में किया गया प्रस्ताव अनंतिम है तथायह मंत्रिमंडल के अनुमोदन पर निर्मर करेगा ।

गहां तक अन्य पदों के सृजन का संबंध है,
प्रस्ताव को फाइल पर प्रस्तुत किया जाए जिसमें
प्रत्येक पद के सृजन के लिए पूर्ण क्रियात्मक
औषित्य दिया जाए तथा इसके समर्थन में
उतनी ही बचतें दर्शायी जाएं।

प्रत्येक एउ के सुजन के लिए पूर्ण कियात्मक औचित्य का उल्लेख करते हुए इन पर्वों के सुजन के लिए एक विशिष्ट प्रस्ताव अलग से फाइल पर प्रस्तुत किया जाएगा तथा मंत्रिमंडल बारा सिदांत रूप में इसका अनुमोदन किए जाने के बाद इसे वित्त मंत्रालय, ज्यय विभाग को भेजा जाएगा

सं0-1/1-11034/18/98-आई0एस0 §डी-111§-भारत सरकार गृह मंत्रालय

# कार्यान्वयन अनुसूची विवरण

नेताजी सुमाष चन्द्र बीस के कथित लापता होने की जांच करने के लिए जांच आयोग की नियुक्ति ।

कार्यान्वयन के तरीके/मीत्रमंडल सचिवालय अपेक्षित निर्णय का सार संभावित लाभ/परिणाम को सूचित करने के लिए समय-अनुसूची नेताजी सुभाष चन्द्र बोस के कथित लापता होने मंत्रिमण्डल के अनुमोदन पर आयोग की इस जांच से नेताजी सुभाष चन्द्र बोस के की जांच करने के लिए जांच आयोग अधिनियम, नियुक्ति के लिए तत्काल कदम उठाए जाएंगे। कथित लापता होने का विवाद खत्म हो 1952 §1952 का 60 है के तहत जांच आयोग जाएगा। के नियुक्ति और उससे संबंधित पदों के सृजन के तिए मंत्रिमंडल के निर्देश प्रार्थित हैं।

विशेष साइव, भारत सरकार

#### गुप्त फा0सं0 1/1/11034/18/98-डी§।।।§ गृह मंत्रालय

पश्चिमी बंगाल विधान सभा दारा दिनांक 24·12·98 को यथा अंगीकृत प्रस्ताव की विषय-वस्तु

यह सदन गंभीर चिन्ता के साथ यह उल्लेख करता है =

कि भारत के लोगों और विदल्जनों को दितीय विश्व युद्ध के दौरान नेताजी सुभाष चन्द्र बोस के रहस्यमय तरीके से गायब हो जाने की बात की अभी तक कोई जानकारी नहीं है,

-यह कि नेताजी सुभाष चन्द्र बोस संबंधी जानकारी के बारे में संसद में मिन्न-मिन्न अवसरों पर मिन्न-मिन्न बयान दिए गए हैं.

के विमान दुर्घटना में नेताजी की कथित मृत्यु के बारे में भारत के उच्चतम न्यायालय और उच्च न्यायालय की न्यायिक उद्योषणाओं से जनता के मन में और अधिक संदेह पैदा हुआ है,

- कि यूरोप, अमेरिका, सुदूर पूर्व तथा दक्षिण पूर्व पशिया के विधानन देशों तथा भारत में भी कियत विमान दुर्घटना के बाद नेताजी सुभाष चन्द्र बोस के रहस्यमय ढंग से गायब होने के बारे में रखे गये अभिलेखों और दस्तावेजों को भारतीय जनता और यहां के विद्राजनों को उपलब्ध नहीं कराया गया है।

इस सदन का यह अभिमत है -

कि कथित विमान दुर्घटना में नेताजी सुभाष चन्द्र बोस की मृत्यु की रिपोर्ट को संदेह रिहत सिद्ध नहीं किया गया है, और

.कि भारत सरकार बरा गठित दो जांच आयोगों की रिपोर्टी पर भारत की जनता और

अतः, यह सदन, राज्य सरकार के माध्यम से मांग करता है कि भारत में या भारत के बाहर अभिलेखों या दस्तावेजों को उपलब्ध करने के लिए भारत सरकार की आवश्यक प्रबंध करने चिहिए ताकि लोग और बुद्धिजीवी उन्हें देख सकें और नेताजी सुभाष चन्द्र बोस की जानकारी के संबंध में रहस्यों से पर्वा उठाने के लिए एक नया जांच आयोग भी गठित कराया जा सके ।

गुपत

पश्चिम बंगाल सरकार संसदीय कार्य विभाग

दिनांक 6 औरल, 1999

संध्या 634-पि•ए•

प्रेषकः आर॰पा॰एस॰ कहली, आई॰ए॰एस॰, संयुक्त सचिव, संसदीय कार्य विभाग. पश्चिम बंगाल सरकार ।

रोवा में

श्री ए०के० पैटेण्डि, आई-ए-एस-, निदेशक, आन्तरिक सुरक्षा, गृह मंत्रालय, भारत सरकार

फैक्स सं0-011-3015750

महोदय.

कृपया नेताजी सुभाष चन्द्र बोस के रहस्यमय ढंग से लापता हो जाने के बारे में जांच आयोग गठित करने के संबंध में 5 औल, 1999 को प्रधान सचिव, गृह तथा गृह सचिव, पश्चिम बंगाल सरकार के साथ दूरभाष पर हुई अपनी बाताचीत का स्मरण करें । इस विषय पर दिनंक 24 दिसम्बर, 1998 को पश्चिम बंगाल विधान सभा में एक संकल्प परित किया गया ।

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राज्य सरकार नेताजी सुभाव चन्द्र बोस के रहस्यमय ढंग से लापता होने की जांच कराने के सिर्भारेश करती है।

भवदीय,

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 इं का भी अर्थ अर्थ अर्थ अर्थ अर्थ अर्थ के अर्थ के अर्थ के संयुक्त सचिव and the state of t

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sopolated by the प्राचन विवाद कर १८०० भाग II—खण्ड 3—उप-खण्ड (ii) भाग II—खण्ड 3—उप-खण्ड (II)

द्वारावाचा १८३६४ ३० अवस्था प्राधिकार से प्रकाशित व्यार देश्टी अक्षांक्रात प्राधिकार से प्रकाशित व्यार अक्षांक्रात अक्षांक्रात PUBLISHED BY AUTHORITY

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नई दिल्ली, शुक्रवार, मई 14, 1999/बैशाख 24, 1921 NEW DELHI, FRIDAY, MAY 14, 1999/VAISAKHA 24, 1921

नते क्षणाच्य कार्यकार केवत्रक मा**र मंत्रालय** क रहित्रवित अववर्षक तेत्रकार हता. अधिसूर्चना नई दिल्ली, 14 मई, 1999

का.आ. 33% अ),- अरेतह ही सुमाब चन्द्र बोस के 16 अगस्त, 1945 के आसपास वैकाक से प्रस्थान करने और एक विमान वर्ग टना के परिणामस्वरूप उनकी क्यात मृत्यु तथा उससे जुड़े अनुवर्ती घटनाक्रम से संबद स्थितियों की जो ज करने तथा भारत सरकार को इसकी रिपोर्ट देने के लिए भारत सरकार दारा क्मशः अप्रैल, 1956 तथा जुलाई, 1970 में गठित शाहनवाज लान समिति तथा स्नोसला जांच अायोग के निष्कर्ण यह । रे के नेताजी सुभाष चन्द्र बोस की मृत्यु एक विमान दुघटना में हुई है; the end avenue of marker and other variable to a temper

और जनता की शह व्यापक धारणा है कि नेताजी जी की मृत्यु के बारे में सच्चाई का पता लगाने का मुद्दा अर्थ । भी यथावत् है ; then it is successary to appoint a Commission negater to be dailouts

और इस मामले में आगे और जांच करने की निरंतर मांग रहा है ;

और कलकता उत्त न्यायालय ने भी भारत सरकार की यह निवेश विया है कि इस विवाद को समान्त करने के ायोजन के लिए विधि के अनुसार विस्तृत जांच कराई जाए, यदि आवश्यक हो तो इस प्रयोजन के लिए जांच आयोग का गठन किया जार ; were series of the of the of the Supreme

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की उप धारा § 2 है, उप धारा § 3 है, उप धारा § 4 है और उप धारा § 5 है के सभी उपकंघ उक्त आयोग को लागू किए जाने चाहिए और केन्द्रीय सरकार उक्त धारा 5 की उप धारा § 1 है हारा प्रवत्त शक्तियों का प्रयोग करते हुए यह निवेश देती है कि उस धारा की उक्त उप धारा § 2 है से § 5 है तक के सभी उपकंध आयोग को लागू होंगे ।

> [फा. सं. VI/11034/18/98-आई.एस.(डी-III)] निखिल कुमार, विशेष संचिव

#### MINISTRY OF AFFAIRS

#### NOTIFICATION

New Delhi, the 14th May, 1999

S.O. 339(E).— Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952(60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

# सं. VI/11034/18/98- डी. (III) भारत सरकार मात्र के भारत प्रकार (अ) है पूर्ह मंत्रालय

प्रेषक : न्यायमूर्ति मुखर्जी जांच आयोग

फैक्स सं0 : 091 033 2522765

7 सितम्बर, 2004

नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता होने की, जांच करने संबंधी न्यायमूर्ति मुखर्जी जांच आयोग 'बी' ब्लाक (तीसरा तल) II/ए मिर्जा गालिब स्ट्रीट, कोलकाता-700087

द्रभाष : -2252-2835 अध्यक्ष सचिव - 2252-2767 विशेष ड्यूटी अधिकारी - 2252-2766/68

फैक्स: 033-2252-2765 ई-मेल: jmcinscb@ca13.vsnl.net.in

कीर (1) के बाहरते, का तुंता की सूत्र 2004 के लियों के लियों के मेरा है के तहीं का मानता सं. जे.एम.सी./प्रशासन/99-2000/32(II)/196 7 सितम्बर, 2004

प्रेषक पी.के. सेनगुप्ता

सेवा में.

श्री राकेश. संयुक्त सचिव (आई.एस.) गृह मंत्रालय, भारत सरकार, कान्या के कान्या के कार्य नॉर्थ ब्लाक, नई दिल्ली-110001.

महोदय, का लाक हिंग्सूटर हार्नेहर के शाउम कि जिल्लाफ कि उन्हार के के उन्हार

मुझे, आपको संबोधित आयोग के दिनांक 17 फरवरी, 2004 के उस पत्र सं. जेएमसीआई/प्रशा./99-2000/32(II)/443 का हवाला देने का निदेश हुआ है जिसमें उक्त पत्र में तथा उसके साथ संलग्न अनुलग्नक 'ख' और 'ग' में स्पष्ट किए गए कारणों से न्यायमृति मुखर्जी जांच आयोग के कार्यकाल को 14 मई, 2004 के बाद एक वर्ष तक बढ़ाने का अनुरोध किया गया है। भारत के राजपत्र (असाधारण) दिनांक 14 मई, 2004 में

# 1/3

## सं. VI/11034/18/98- डी. (III)

#### भारत सरकार

#### गृह मंत्रालय

प्रकाशित गृह मंत्रालय की दिनांक 14 मई, 2004 की अधिसूचना सं. का.आ. 575(अ) के द्वारा 14 मई, 2004 के बाद 14 नवम्बर, 2004 तक और विस्तार किया गया था।

- 2. मुझे यह कहने का निदेश हुआ है कि आयोग अपनी जांच 14 नवम्बर, 2004 तक पूरी करने की स्थिति में नहीं है क्योंकि आयोग के कार्यकाल के विस्तार के संबंध में आयोग के दिनांक 17 फरवरी, 2004 के उक्त पत्र में तथा इसके पूर्व प्रस्तावों में उल्लिखित अधिकांश कारण उचित हैं।
- 3. हालांकि आयोग द्वारा महीनों तक और कभी-कभी वर्षों तक निरन्तर अनुरोध करने पर भारत सरकार के परिश्रमी एवं निरन्तर प्रयासों से कुछ अड़चनों को विगत में दूर किया जा सकता था फिर भी आयोग द्वारा इसी प्रकार के अथक एवं लंबे समय से संपर्क करने के बावजूद आयोग के दिनांक 17 फरवरी, 2004 के पत्र सं. जेएमसीआई/प्रशा./99-2000/32(II)/443 में यथा स्पष्ट और यथा उल्लिखित बहुत सी अन्य अड़चनों को अभी दूर किया जाना है।
- 4. मुझे आयोग के दिनांक 17 फरवरी, 2004 के उपर्युक्त पत्र के पैरा 7 के उप-पैरा (क),(ख),(ग), (घ), (छ),(छ) और (i) के मामलों, आयोग की जून, 2004 की स्थिति रिपोर्ट के पैरा 3 में उल्लिखित मामलों और इसकी अगस्त, 2004 की स्थिति रिपोर्ट के पैरा 4(क) और (ख), 5,7(क) और (ख), 9, 10, एवं 14 में उल्लिखित मामलों की ओर आपका ध्यान आकृष्ट करने का निदेश हुआ है, जिन्हें यदि इसके नीचे दिए गए पैरा 5,6, और 7 में उल्लिखित/बताए गए मामलों के साथ पढ़ा जाए तो इससे पूर्णतः यह स्पष्ट हो जाएगा कि आयोग का जांच कार्य अनिवार्य रूप से इतना अधिक समय लेने वाला कार्य क्यों बन गया है। अगस्त, 2004 की स्थिति रिपोर्ट के संगत पैराग्राफों का सारांश संलग्न है।
- 5. भारत सरकार की कुछ ऐसी फाइलों/रिकाडोंं/दस्तावेजों का उल्लेख नीचे दिया गया है, जिन्हें आयोग द्वारा मांगे जाने के बावजूद अंततः आयोग के समक्ष प्रस्तुत नहीं किया जा सका:-
  - (क) "सुभाष चन्द्र बोस की मृत्यु के लिए जिम्मेवार परिस्थितियों की जांच" से संबंधित फाइल सं. 12(226)/56-पी.एम.
  - (ख) "सुदूर पूर्व में आई.एन.ए. की संपत्तियों के निपटान" से संबंधित प्रधानमंत्री कार्यालय की फाइल सं. 23(156)/51-पी.एम. सं. 33 दस्तावेज/नोट।
  - (ग) "कुछ अन्य समकालीन सरकारी दस्तावेजी अभिलेख" जैसा कि भारत के तत्कालीन प्रधानमंत्री स्वर्गीय मोरारजी देसाई द्वारा 28 अगस्त, 1978 को लोक सभा में यह बात

的过去 人名英格兰 医神经病

#### भारत सरकार

#### गृह मंत्रालय

स्वीकार की गई थी कि वे अभिलेख "भी उपलब्ध हो गए हैं" (संदर्भः नेताजी सुभाष चन्द्र बोस का लापता होना)।

- (घ) मूल नोट और दस्तावेज (अथवा उनकी प्रामाणिक प्रतियां), जिनमें से लिए गए सारांश भारत के राष्ट्रीय अभिलेखागार में आई.एन.ए. फाइल सं. 273 में उपलब्ध हैं। उक्त फाइल 18 अगस्त, 1945 को ताइहोकू में एक विमान दुर्घटना में नेताजी की कथित मृत्यु से संबंधित है।
- (ङ) खोसला आयोग के समक्ष प्रस्तुत/दायर/उपलब्ध कराए गए दस्तावेजों/फाइलों/रिकार्डों और उक्त आयोग के समक्ष भारत सरकार द्वारा दायर शपथ-पत्रों की मूल अथवा प्रमाणिक प्रतियां।
- (च) न्यायमूर्ति खोसला आयोग के खंड सं. XX और XXI और उक्त आयोग के हस्ताक्षरित और प्रामाणिक खंड सं. I से XVIII, XIX और XXII.
- (छ) उक्त आयोग के समक्ष शाह नवाज खान जांच आयोग की कार्यवाहियों के लगभग सभी मूल रिकार्ड तथा उसके द्वारा दर्ज लगभग सभी साक्ष्य और दस्तावेज/प्रदर्श।
- (ज) "श्री सुभाष बोस की अस्थियां टोक्यो से लाने तथा दिल्ली में लाल किले के सामने उनका एक स्मारक बनाने" से संबंधित फाइल सं. 21(381)/60-66 पी.एम.
- (इ) विभिन्न अभिसाक्षियों के हलफ़नामों/पूरक हलफ़नामों से संबंधित लगभग सभी दस्तावेज।
- (ञ) 18 अगस्त, 1945 को टोक्यो में एक कथित विमान दुर्घटना में नेताजी की कथित मृत्यु पर कर्नल स्टिवेंसन की प्रति हस्ताक्षरयुक्त श्री बी.सी. चक्रवर्ती की दिनांक 31.12.1945 की रिपोर्ट की अधिप्रमाणित प्रति सी.एस.डी.आई.सी. को भेजी गई।
- 6. आयोग द्वारा यथा अपेक्षित/प्रार्थित कुछ रिकार्ड/फाइलें/दस्तावेज रिपोर्टें जो भारत सरकार द्वारा विदेशों से एकत्र/प्राप्त नहीं की जा सकी थीं उनका विवरण नीचे दिया गया है:
  - (क) नेताजी सुभाष चन्द्र बोस से संबंधित यू.के. और यू.एस.ए. के संबंधित वर्गीकृत दस्तावेज जो भारत सरकार द्वारा आयोग (अथवा उनकी अधिप्रमाणित प्रतियां) को उपलब्ध कराने के लिए अवर्गीकृत नहीं कराए जा सके थे।



#### भारत सरकार

#### गृह मंत्रालय

- (ख) श्री समर गुहा द्वारा सोवियत सरकार को पूर्व में भेजे गए दस्तावेज संबंधी कोई रिपोर्टें भारत सरकार से प्राप्त नहीं हुई हैं जो उन्हें इस जानकारी के साथ मिली थीं कि सोवियत संघ इसकी जांच-पड़ताल कर रहा है। भारत सरकार से उक्त दस्तावेज और उक्त जांच की कोई रिपोर्ट नहीं मिली है।
- (ग) रूस में नेताजी सुभाष चन्द्र बोस के जेल जाने संबंधी समाचारों का भारत सरकार द्वारा वास्तविक रूप से किए गए सत्यापन और उससे आए परिणामों के विवरण आयोग को उसके द्वारा यथाअपेक्षित बताए नहीं जा सके।
- (घ) 18 अगस्त, 1945 को टोक्यो में हुई कथित विमान दुर्घटना के दृश्य के फोटो तथा नेताजी की कथित मृत्यु के बाद ताइहोकू अस्पताल में लिए गए चित्र भी मांगे गए थे किन्तु, भारत सरकार से नहीं मिले।
- (ङ) 1945 से 1947 के दौरान जवाहरलाल नेहरू द्वारा ब्रिटिश प्रधानमंत्री को लिखे गए पत्र।
- (च) न्यायमूर्ति खोसला जांच आयोग के समक्ष एग्जिबिट 29-1 के रूप में चिह्नित विदेश मंत्रालय,भारत सरकार की मूल रिपोर्ट (अथवा उसकी प्रमाणित प्रति)।
- (छ) भारत सरकार से सी.आई.ए./सामरिक सेवा कार्यालय की हिरासत में पड़े नेताजी सुभाष चन्द्र बोस से संबंधित सभी दस्तावेजों की माइक्रोफिल्म/माइक्रो फिचिस मांगी गई थी किन्तु वे प्राप्त नहीं हुई।
- 7. भारत सरकार से मांगे गए कुछ दस्तावेजों/रिपोर्टीं/सूचना इत्यादि जो आयोग को मुहैया नहीं करवाए जा सके उन्हें नीचे नोट किया गया है:-
  - (क) नेताजी सुभाष चन्द्र बोस के दिनांक 26.12.1945, 01.01.1946 तथा फरवरी, 1946 (माह का दिन उल्लिखित नहीं है) के मूल रेडियो संदेशों तथा इन संदेशों की प्राप्ति के माध्यम संबंधी रिपोर्ट जिनका प्रधानमंत्री कार्यालय की गोपनीय फाईल सं. 870/11/पी./16/92-पोल के कोर पृष्ठों 21 एवं 22 पर "नेताजी सुभाष चन्द्र बोस के लापता होने के संबंध में" विषय में उल्लेख किया गया है।
  - (ख) 1946 में आई.एन.ए. द्वारा वावेल सरकार को प्रस्तुत गुप्त रिपोर्ट सं. 10/एन.आई.एस.सी. के अनुसार "नेहरू जी को बोस से एक पत्र प्राप्त हुआ जिसमें उन्होंने कहा था कि वे रूस में हैं



# भारत सरकार गृह मंत्रालय

और भारत आना चाहते हैं" (प्रधानमंत्री कार्यालय की गुप्त फाईल सं. 2/64/78-पी.एम. के सी.पी.एस. 16-20 के तहत) उक्त पत्र अथवा इसकी प्रमाणित प्रति भारत सरकार से मांगे जाने के बावजूद प्राप्त नहीं हुई।

- (ग) श्री अमिया नाथ बोस द्वारा तत्कालीन प्रधानमंत्री को संबोधित दिनांक 7 अगस्त के पत्र जिसमें श्री बोस ने अन्य बातों के साथ-साथ यह कहा था कि उनके पास निर्णायक साक्ष्य उपलब्ध है जो यह सिद्ध करते हैं कि नेताजी 22 जुलाई, 1946 को सोवियत संघ में जीवित थे (प्रधानमंत्री कार्यालय की गुप्त फाईल सं. 870/11/पी/85-पोल के कोर पृष्ठ 427 के तहत) के संबंध में की गई कार्रवाई संबंधी कोई रिपोर्ट भारत सरकार से प्राप्त नहीं हुई।
- 8. ऊपर संदर्भित तथ्यों तथा परिस्थितियों के मद्देनजर मुझे आपसे यह अनुरोध करने का निदेश हुआ है कि न्यायमूर्ति एम.के. मुखर्जी जांच आयोग की अवधि को 14 नवम्बर, 2004 से आगे एक वर्ष के लिए बढ़ाए जाने के लिए कृपया आवश्यक कदम उठाएं।
- 14. गृह मंत्रालय, भारत सरकार में निदेशक को संबोधित आयोग के सचिव के दिनांक 26 अगस्त, 2004 के अ.शा. पत्र सं. जे.एम.सी.आई./रिकार्ड/एन.डी./99-2000/37(iv)/170 में श्री एम.ओ. मथाई के दिनांक 02.12.1954 के नोट की प्रतिलिपि के तरफ उनका ध्यान खींचा गया है, जिसे दिनांक 02.12.1954 के प्रधानमंत्री सचिवालय, यू.ओ.डी./एस. 13170 के अंतर्गत उस समय के संयुक्त सचिव (प्रशासन) श्री प्रेम कृष्ण को अनुमोदित किया गया था जैसा कि "आई.एन.ए. खजाना" के विषय पर प्रधानमंत्री कार्यालय (राजनीतिक अनुभग) के उच्च गुप्त फाईल सं. 23(11)/56/57/प्रधानमंत्री की प्रतिलिपि में देखा जा सकता है जिसमें ऐसा मालूम होता है कि विदेश मंत्रालय को, टोक्यों के भारतीय दूतावास से "स्वर्गीय श्री सुभाष चन्द्र बोस की भस्म और अन्य अवशेषों के साथ-साथ लगभग 200/-रुपए की अल्प धनराशि प्राप्त हुई तथा निदेशक (सी.एन.वी.) से निम्नलिखित बिन्दुओं पर रिपोर्ट करने का अनुरोध किया गया:
  - i. दिनांक 02.12.1954 के उक्त नोट के उल्लेखानुसार टोक्यों के भारतीय दूतावास से विदेश मंत्रालय द्वारा नेताजी के कथित भस्म को कब और किस स्थिति में प्राप्त की गई?
  - ii. दिनांक 2.12.1965 के उक्त नोट में उल्लिखित भस्म तथा अन्य अवशेषों को कहां रखा गया?
  - iii. अगर नहीं रखा गया, तो उन भस्म एवं अवशेषों का क्या हुआ?

विदेश मंत्रालय, भारत सरकार का उत्तर प्रतीक्षित है।

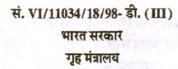


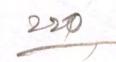
# सं. VI/11034/18/98- डी (III) भारत सरकार गृह मंत्रालय

- 7. (क) निदेशक (सी.¹ रन.वी.), विदेश मंत्रालय, भारत सरक र को संबोधित दिनांक 28.06.2004 के अ.शा. पत्र सं. जे.एम.सी.आई./ई.ओ./2002-03/₹3(III)/93 में अन्य बातों के साथ-साथ इस बाता का अनुरोध किया गया है कि, "यह बता रा जाए कि क्या रेनकोजी मंदिर के मुख्य पुजारी से मंदिर में रखी कथित अस्थियां उन विशेषज्ञों को उपलब्ध कराने का कोई औपचारिक अनुरोध किया गया है जिन्हें आयोग ने उसका डं..एन.ए. परीक्षण करने के लिए नियक्त कि या है। आयोग को इस तथ्य की जानकारी भी दी जार कि क्या इस अनुरोध का कोई जवाब प्राप्त हुआ है।" आयोग के उक्त प्रश्न का भारत सरकार विदेश मंत्रालय से आयोग को जवाह (अभी प्राप्त होना है।
  - (ख) आयोग ( नेताजी सुभाष चन्द्र बोस की जापान के रेनकोजी मंदिर में रखी कथित अस्थियां डी.ए.न.ए. परीक्षण की प्रथम दृष्ट्या संभाव्यता को सुनिश्चित करने वे लिए अब भी प्रयास कर रहा है।
- 9. भारत सरकार, विदेश मंत्रालय, आसूचना ब्यूरो के संयुक्त निदेशक को संबोधित आयोग के दिनांक 26 अगस्त, 200 4 के पत्र सं. जे.एम.सी.आई./मीटिंग प्रोसीडिंग्स (फालो अप)/99-2004/48(वी/166 के साथ आयोग की जांच-पड़ताल से संगत माइक्रो फिल्म से संबंधित आसूचना ब्यूरो के पास उपलब्ध 18 फाइलों की नई सूची ब्यूक्त निदेशकों को भेजी है तथा उनसे यह अनुरोध किया है कि वह आयोग द्वारा इन फाइलों का परीक्षण किए जाने के लिए अधिक समय नष्ट किए बिना आयोग की सूचना पर आयोग को उपलब्ध कराने के लिए नै शैयार रखें। इस मामले में आसूचना ब्यूरो की अगली सूचना की प्रतीक्षा है।

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16 ). भारत सरकार, गृह मंत्रालय के निदेशक (एस) से प्रभावकारी कदम उठाने के लिए पुनः अनुरोध किया या है ताकि फाइल संख्या 10/22/सी.एम. 68 आयोग को अविलम्ब भेजी जाए। उनसे यह भी अनुरोध किया गया है कि यदि उस फाइल की विषयवस्तु अब भी गुप्त के रूप में वर्गीकृत है तो सक्षम प्राधिकारी से प्रस्ताव किया जाए ताकि वह फाइल कम से कम माननीय अध्यक्ष द्वारा अध्ययन किए जाने के लिए वह फाइल आयोग को उपलब्ध कराई जा सके जैसा विगत में अनेकों फाइलों के बारे ऐसा किया गया था जिसका विशेषाधिकार दावा गृह मंत्रालय, भारत सरकार द्वारा सचिव, गृह मंत्रालय, भारत सरकार के, निदेशक (एस) को संबोधित दिनांक 12 जुलाई, 2004 के अ.शा.पत्र सं. जे.एम.सी.आई./रिकार्ड/एन.डी./99-2000/37(IV)/106 के तहत किया गया है। मंत्रालय के उत्तर की अभी प्रतीक्षा है।





नेताजी सुभाष चन्द्र बोस के कथित रूप से लापता होने की, जांच करने संबंधी न्यायमूर्ति मुखर्जी जांच आयोग 'बी' ब्लाक (तीसरा तल) II/ए मिर्जा गालिब स्ट्रीट, कोलकाता-700087

अगस्त, 2004 की स्थिति रिपोर्ट के पैरा 4(क) तथा (ख), 5,7(क) तथा (ख) 9,10 तथा 14 के उद्धरण

- 4. (क) आयोग के रूस दौरे के लिए आयोग के सचिव के दिनांक 21 जुलाई, 2004 के अ.शा.पत्र सं. जे.एम.सी.आई./ई.ओ./2002-2003/83(III)/112 में निदेशक (सी.एन.वी.), विदेश मंत्रालय, भारत सरकार को संबोधित अनंतिम कार्यक्रम भेजा गया था। उक्त कार्यक्रम की रसींद की पावती भेजते हुए निदेशक (सी.एन.वी.) ने दिनांक 12 अगस्त, 2004 के अ.शा.पत्र सं. 2514/एन.जी.ओ.-खंड-XII में सुझाव दिया "िक न्यायमूर्ति मुखर्जी जांच आयोग के मार्ग-विवरण को दौरे की तारीखों सिहत अंतिम रूप मॉस्को में हमारे मिशन से और अधिक सूचनाएं प्राप्त होने के बाद ही दिया जाए। हम इस मामले में आपको अद्यतन जानकारी से अवगत कराते रहेंगे।" इस मामले में आगे और कोई सूचना प्राप्त नहीं हुई है। निदेशक (सी.एन.वी.), विदेश मंत्रालय, भारत सरकार को दिनांक 30 अगस्त, 2004 के अ.शा.पत्र सं. जे.एम.सी.आई./ई.ओ./2002-2003/83(III)/86 के तहत विदेश मंत्रालय को आवश्यक कार्रवाई करने का स्मरण कराया है तािक आयोग 30 सितम्बर, 2004 तक अथवा अधिक से अधिक अक्तूबर, 2004 के प्रथम सप्ताह तक रूस का दौरा कर सके जिससे रूस की अत्यिधक सर्वी से बचा जा सके।
  - (ख) आयोग के दिनांक 30 अगस्त, 2004 के अ.शा. पत्र में यह भी उल्लेख किया गया है कि आयोग के ताईवान और कुछ अन्य स्थानों के दौरों के कार्यक्रम को अंतिम रूप देना भी आयोग के प्रस्तावित रूस दौरे के समय पर निर्भर करता है।
- 5. निदेशक (सी.एन.वी.) का ध्यान आयोग के संयुक्त सचिव (सी.एन.वी.) को संबोधित दिनांक 5.8.2003 के पत्र सं. जे.एम.सी.आई./ओवरसीज/विटर्नेसिस/2002-2003/70(II)/188 की ओर आकृष्ट किया गया है जिसमें उनसे अनुरोध किया गया था कि वे संयुक्त राज्य अमेरिका में उपलब्ध स्नातकोत्तर कक्षा के कुछ उपयुक्त एवं इच्छुक भारतीय अध्येताओं/छात्रों के ब्यौरे उन्हें स्वीकार्य पारिश्रमिक/इंगित करते/सुझाते हुए



#### भारत सरकार

#### गृह मंत्रालय

भेजें जब तक कि वे शैक्षणिक रुचि अथवा नेताजी के लिए प्रेम और सम्मान की खातिर संबंधित ऐतिहासिक दस्तावेजों के विभिन्न अमरीकी संग्रहालयों में पुरातत्वीय अनुसंधान का कार्य निःशुल्क करने को सहमत न हों। विदेश मंत्रालय, भारत सरकार द्वारा दिनांक 18 अगस्त, 2004 के अ.शा. पत्र सं. 25/4/एन.जी.ओ.-खंड XII के साथ भेजे गए विवरण में अन्य बातों के साथ-साथ यह उल्लेख किया गया है: "वाशिंगटन स्थित हमारे मिशन से दस्तावेजों को देखने के लिए एक अधिकारी तैनात करने का अनुरोध किया गया है।" इस मामले में आगे की कार्रवाई की प्रतीक्षा की जा रही है।

9. आयोग का कार्यकाल दिनांक 15 नवम्बर, 2004 से आगे और एक वर्ष की अवधि के लिए बढ़ाने संबंधी आवश्यक सरकारी अधिसूचना शीघ्र भेज दी जाए तािक भारत सरकार को इसमें पहले उल्लिखित/ संदर्भित रुकावटों को दूर करने के लिए पर्याप्त समय मिल सके और आयोग बिना किसी व्यवधान के अपनी जांच जारी रख सके और भारत के विभिन्न स्थानों तथा विदेशों में सुनवाई के लिए अपने कार्यक्रम तैयार कर सके जो आयोग की जांच को उचित रूप से पूरा करने के लिए अनिवार्य है।

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FROM : JMCI

FAX NO. : 091 033 252 2765

By Registered Post with A/D.

Phone:

- 252-2635 Chairman - 252-2767 Secretary Officer on

Special Duty - 252-2765 Office - 252-2766/68

e-mail: jmcinsch@cal.3.vsnl.net.in

NOV. 09 2004 5711PM

JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAM SUBHAS CHANDRA BOSE. 'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata 700 087

Fax: 0091-033-252-2765

No. JMCI/ Admn./99-2000/32(Vol-II)/268. Kolkata, dated, 9th November 04.

From : Shri M. Roy, IAS (Retd.), Officer on Special Duty

: The Director(s). Ministry of Home Affairs, 4346) Di BM Government of India, North Block,

New Delhi - 110001.

sir,

I am directed to refer to para eight(8) of the Commission's letter No. JMCI/Admn/99-2000/32(II)/196 dated 07.09.2004 wherein you were requested to kindly take necessary steps for extension of the term of Justice M.K. Mukherjee Commission of Inquiry for a further period of one year beyond 14.11.04 and to request you to kindly move the Government for the extension as solicited in the Commission's letter dated 07.09.04 referred to above as soon as possible. because the present term of the Commission expires on 14.11.04.

Yours faithfully,

( M. Roy )

Officer on Special Duty

TIR (Secuity)

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Search.

Umesh Kalra Director(S) Tel.: 23092998

DO No.VI/11034/18/98-D-III

New Delhi dated 8.11.2004

Dear

I am sending herewith 60 copies in English and Hindi of the Cabinet Note for further extension of term beyond 14.11.2004 of Justice Mukherjee Commission of Inquiry set up to enquire into the alleged disappearance of Netaji Subhash Chandra Bose.

As the term of the Commission is expiring on 14.11.2004, It is requested that this item may be included in the agenda for consideration by the Cabinet in its next meeting.

With regards.

Yours sincerely

(UMESH KALRA)

Shri K.L.Sharma Deputy Secretary, Cabinet Secretariat, New Delhi.

Dated 10.10.2004

Copy alongwith a copy of Note for Cabinet to PM Office for information

. Copy NO.62

Pol1164

UMESH KALRA)

0) c



UMESH KALRA DIRECTOR(S) Tel: 23092998

D.O.No.VI/11034/18/98-D-III

dated 11.11.2004

Dear

Please refer to this Ministry's d.o of even number dated 8.11.2004 forwarding therewith Note for Cabinet regarding approval of further extension of Justice Mukherjee Commission of Inquiry beyond 14.11.04.

As the term of the Commission is expiring on 14.11.04, it is requested to confirm whether Cabinet has approved the implementation schedule. If so the undersigned may be authorised to issue notification extending the term of Commission for further 6 months beyond 14.11.04 pending the minutes of the Cabinet meeting held on 11.11.04.

Yours sincerely,

(UMESH KALRA)

Shri K.L. Sharma Deputy Secretary, Cabinet Secretariat New Delhi.

11/11

issued vide P. B. No. 2/04 through srinings



#### SECRET/MOST IMMEDIATE

मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
"RASHTRAPATI BHAVAN
NEW DELHI-110004

P.I. SUVRATHAN, Additional Secretary, Tele: 2301 2697

November 11, 2004

D.O. No. 28/CM/2004

Dear Shri Dhirendra Singh,

The Cabinet at its meeting held on 11th November, 2004, considered the note dated 09.11.2004 from the Ministry of Home Affairs regarding "Extension of the term of the Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose", and approved the proposals contained in paragraph 10 thereof.

2. The minutes of the meeting will be issued in due course. In the meanwhile, this letter may be treated as an authority to take further action in the matter.

With regards,

Yours sincerely,

(P.I. Suvrathan)

Shri Dhirendra Singh, Secretary, Ministry of Home Affairs. New Delhi.

ert

### No.VI/11034/18/98-D.III/NCB-II Government of India Ministry of Home Affairs Security Division

New Delhi, dated 11.11.04

To

The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi.

Subject:

Extension of the term of Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netaji Subhas Chander Bose – publication of Notification – regarding.

Sir,

Enclosed please find a copy of a notification (both in Hindi and English)
To published in Part II, Section 3, Sub Section (ii) of the Gazette of India,
Extraordinary dated 14.11.2004. It is requested that this notification may be
published on 14.11.2004 and 50 copies thereof provided to this Ministry urgently for
further necessary action.

2. It is also requested that S.O. No. allotted to this notification may be intimated to the undersigned urgently.

Sout though CR.

P.B. NO. 3/2004

Monday

Yours faithfully,

(M.S. ZUHA) DESK OFFICER

2rd

भारत सरकार गृह मंत्रालय सुरक्षा प्रभाग

नई दिल्ली, दिनांक 14 नवम्बर, 2004 अधिसूचना

का0आ0 . . . . . . . (अ) केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 339 (अ) तारीख 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थात्:-

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथाशीघ्र किन्तु 14 मई, 2005 तक प्रस्तुत करेगा।''

> (राकेश) संयुक्त सचिव (सु.)

आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं.

फा.सं. VI/11034/18/98-आईएस डी.III/एनसीबी-II)

वाटपण : आयोग को नियुक्त करने वाला मूल आध्यसूचना भारत के राजपत्र में स. का.आ. 339 (अ) तारीख 14.5.1999 द्वारा प्रकाशित हुई थी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था:-

- (i) का.आ. 1090 (अ) तारीख 14.11.1999;
- (ii) का.आ. 462 (अ) तारीख 14.5.2000;
- (iii) का.आ. 429 (अ) तारीख 14.5.2001;
- (iv) का.आ. 508 (अ) तारीख 14.5.2002;
- (v) का.आ. 546 (अ) तारीख 14.5.2003;
- (vi) का.आ. 1313 (अ) तारीख 14.11.2003; और
- (vii) का.आ. 575 (अ) तारीख 14.5.2004.

(To be Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) of dated 14.11.2004)

w

Government of India Ministry of Home Affairs Security Division

New Delhi, dated 14th November, 2004

#### **NOTIFICATION**

S.O......(E) - In exercise of the powers conferred by sub-section (1) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14<sup>th</sup> May, 1999, namely:-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th May,2005."

(RAKESH)
Joint Secretary(S)

F.No.VI/11034/18/98-IS D.III/NCB-II)

NOTE: The principal notification appointing the Commission was published in the Gazette of India vide S.O.339(E), dated 14-5-1999 and subsequently amended vide:-

- (i) S.O.1090(E), dated the 14<sup>th</sup> Nov., 1999;
- (ii) S.O.462(E), dated the 14th May,2000;
- (iii) S.O.429(E), dated the 14th May,2001;
- (iv) S.O.508(E), dated the 14<sup>th</sup> May,2002;
- (v) S.O.546(E), dated the 14th May,2003;
- (vi) S.O.1313(E), dated the 14th Nov;2003; and
- (vii) S.O.575(E), dated the 14th May, 2004;

F. ND. VI /1034/18/98-18.2011/ NCB-II Enclosed is a draff notificalisdt 16/11/04 regard of feerther aundund ein the note fracture of the MHA- 30339(12) dt 1415-11999 dt 14/5/1999. Kurdly provide a Hudi transtation to be sent to Good: Bres for poulikalis 1080 herd un the Gazelle of I din an 16/11/04 Manufic 11/11/04, Hirle Seelie submitted pl. B. Bln .... NCB-H

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(To be Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) of dated 14.11.2004)

> Government of India Ministry of Home Affairs Security Division

New Delhi,dated 14th November,2004

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In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

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> (RAKESH) Joint Secretary(S)

F.No.VI/11034/18/98-IS D.III/NCB-II)

NOTE: The principal notification appointing the Commission was published in the Gazette of India vide S.O.339(E), dated 14-5-1999 and subsequently amended vide:-

- S.O.1090(E), dated the 14th Nov., 1999; (i)
- S.O.462(E), dated the 14th May,2000; (ii)
- S.O.429(E), dated the 14th May,2001; (iii)
- S.O.508(E), dated the 14th May,2002; (iv)
- (v)
- S.O.546(E), dated the 14<sup>th</sup> May,2003; S.O.1313(E), dated the 14<sup>th</sup> Nov;2003; and (vi)
- S.O.575(E), dated the 14th May, 2004; (vii)



EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 443] No. 443 नई दिल्ली, शुक्रवार, मई 14, 2004/वैशाख 24, 1926

NEW DELHI, FRIDAY, MAY 14, 2004/VAISAKHA 24, 1926

गृह मंत्रालय

अधिस्चना

नई दिल्ली, 14 मई, 2004

का.आ.(\$75(अ)) - केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 339(अ) तारीख 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात:-

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथा सँखे शीघ्र 

राकेश, संयुक्त सचिव (स.)

टिप्पण : आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं. का.आ. 339(अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई थी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था :-

- का.आ. 1090(अ) तारीख 14-11-1999;
- का.आ. 462(अ) तारीख 14-5-2000:
- का.आ. 429(अ) तारीख 14-5-2001; (iii)
- का.आ. 508(अ) तारीख 14-5-2002; (iv)
- (v) का.आ. 546(अ) तारीख 14-5-2003; और
- (vi) का.आ. 1313(अ) तारीख 14-11-2003 ि ViD an 31.575 (3) 213/14 14-5-2004

1546 GI/2004

MINISTRY OF HOME AFFAIRS

**NOTIFICATION** 

New Delhi, the 14th May, 2004

S.O. 575(E). In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely :--

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely :-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th November, 2004."

[F. No. VI/11034/18/98-NCB-II]

RAKESH, Jt. Secy. (S)

NOTE: - The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339(E), dated 14-5-1999 and subsequently amended vide :-

- 5. 0, 339(E) at: 14-5-99 S.O. 1090(E), dated the 14th Nov., 1999; -6
- S.O. 462(E), dated the 14th May, 2000; &
- S.O. 429E), dated the 14th May, 2001; 1
- S.O. 508(E), dated the 14th May, 2002; 1 (iv) S.O. 546(E), dated the 14th May, 2003; and -1
- S.O. 1313(E), dated the 14th Nov., 2003. 6
- (VII) 50575/E) at the Harmon 6





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P.I. SUVRATHAN, Additional Secretary, Tele: 2301 2697

D.O. No. 28/CM/2004

मंत्रिमण्डल सचिवालय
राष्ट्रपति भवन, नई दिल्ली-110004
CABINET SECRETARIAT
RASHTRAPATI BHAVAN
NEW DELHI-110004

November 11, 2004

Dear Shri Dhirendra Singh,

The Cabinet at its meeting held on 11th November, 2004, considered the note dated 09.11.2004 from the Ministry of Home Affairs regarding "Extension of the term of the Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose", and approved the proposals contained in paragraph 10 thereof.

2. The minutes of the meeting will be issued in due course. In the meanwhile, this letter may be treated as an authority to take further action in the matter.

With regards,

R. 1776 JE(6)04

Shri Dhirendra Singh, Secretary, Ministry of Home Affairs. New Delhi.

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Yours sincerely,

(P.I. Suvrathan)

# By Registered Post with A/D.

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JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Kolkata 700 087

Fax: 0091-033-252-2765

Phone:

232

Chairman - 252-2835 Secretary - 252-2767

Officer on

Special Duty - 252-2765 Office - 252-2766/68

e-mail: jmcinscb@cal.3.vsnl.net.in

No. JMCI/ Admn./99-2000/32(Vol-II)/268. Kolkata, dated, 9th November '04.

From : Shri M. Roy, IAS (Retd.),

Officer on Special Duty

To : The Director(s),

Ministry of Home Affairs, Government of India,

North Block,

New Delhi - 110001.

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Dir (see Sir.

I am directed to refer to para eight(8) of the Commission's letter No. JMCI/Admn/99-2000/32(II)/196 dated 07.09.2004 wherein you were requested to kindly take necessary steps for extension of the term of Justice M.K. Mukherjee Commission of Inquiry for a further period of one year beyond 14.11.04 and to request you to kindly move the Government for the extension as solicited in the Commission's letter dated 07.09.04 referred to above as soon as possible, because the present term of the Commission expires on 14.11.04.

Yours faithfully,

( M. Roy ) Officer on Special Duty

Mm N.

By Registered Post with A/D.

भारत सरकार सेवार्थ ON INDIA GOVERNMENT SERVICE

No.JMCI/Admn/99-2000/32(Vol-II)/268.
Dated 9th November'04.

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SERVICES AND THE STATE OF STATE

The Director(s),
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi - 110001.

Instice Mukherjee Commission of Inquiry for Inquiry into the alleged disappearance of Netaji Subhas Chandra Bose 11A, Miraa Galib Street, 3rd Pic Block 'B', Caloutte—70008

SB-5





#### मारत सरकार मुद्रणालय, रिंग रोड, नई दिल्ली

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	विभाग और मंत्रालय के पत्र सं.  Deptt's or Ministry's Regn. No. V// 110.34 ) 18198 - P-Ш/ NCB -17	
mlo	मेजा जा रहा है FORWARDED TO Sh. M.S. Zwha, Desk Officer. HA, Security Blue Harmoran मुद्रणालय, रिंग रोड, North Blue R नई दिल्ली की श्रोर से	N.D
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इस पत्रक का दितीय भाग प्राप्ति के प्रमाण में शोध हो लीटाए जाने की प्रार्थना है।

Prompt return of 2nd portion of this Voucher duly signed within 7 days in token of acknowledgment is requested.

MGIPRRND-25 GIPRR/87-Sec. II-16-9-87-1000 Books.

स्ट्री सं॰ डी॰ एल॰-33004/99



# MRA En USIUA The Gazette of India

#### **EXTRAORDINARY**

भाग II —खण्ड 3 —उप-खण्ड (ii) PART II-Section 3—Sub-section (ii) प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 982] No. 982] नई दिल्ली, रविवार, नवम्बर 14, 2004/कार्तिक 23, 1926

NEW DELHI, SUNDAY, NOVEMBER 14, 2004/KARTIKA 23, 1926

गृह मंत्रालय

(सुरक्षा प्रभाग)

अधिसूचना

नई दिल्ली, 14 नवम्बर, 2004

का.आ. 1265 (अ). -केन्द्रीय सरकार, जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 339(अ) तारीख 14 मई, 1999 का निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना के पैरा 4 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :--

"4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथाशीघ्र किन्तु 14 मई, 2005 तक प्रस्तुत करेगा।"

[फा. सं. VI/11034/18/98-आईएस-डी. III/एनसीबी-II]

राकेश, संयुक्त सचिव

टिप्पण : आयोग को नियुक्त करने वाली मूल अधिसूचना भारत के राजपत्र में सं. का.आ. 339(अ) तारीख 14-5-1999 द्वारा प्रकाशित हुई थी और तत्पश्चात् इसे निम्नलिखित द्वारा संशोधित किया गया था :-

- (i) का.आ. 339(अ), तारीख 14-5-1999;
- (ii) का.आ. 1090(अ), तारीख 14-11-1999;
- (iii) का.आ. 462(अ), तारीख 14-5-2000;
- (iv) का.आ. 429(अ), तारीख 14-5-2001;
- (v) का.आ. 508(अ), तारीख 14-5-2002;
- (vi) का.आ. 546(अ), तारीख 14-5-2003;
- (vii) का.आ. 1313(अ), तारीख 14-11-2003; और
- (viii) का.आ. 575(अ), तारीख 14-5-2004.

3419 GI/2004

(1)

#### MINISTRY OF HOME AFFAIRS

(Security Division)

#### NOTIFICATION

New Delhi, the 14th November, 2004

S.O. 1265(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely:—

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th May, 2005."

[F. No. VI/11034/18/98-IS-D.III/NCB-II]

RAKESH, Jt. Secy.

Note: The principal notification appointing the Commission was published in the Gazette of India vide No. S.O. 339(E), dated 14-5-1999 and subsequently amended vide:—

- (i) S.O. 339(E), dated the 14th May, 1999;
- (ii) S.O. 1090(E), dated the 14th Nov., 1999;
- (iii) S.O. 462(E), dated the 14th May, 2000;
- (iv) S.O. 429(E), dated the 14th May, 2001;
- (v) S.O. 508(E), dated the 14th May, 2002;
- (vi) S.O. 546(E), dated the 14th May, 2003;
- (vii) S.O. 1313(E), dated the 14th Nov., 2003; and
- (viii) S.O. 575(E), dated the 14th May, 2004.

237

# No.11034/18/98 –NCB-II Government of India Ministry of Home Affairs

New Delhi dated ,17th November 2004

To,

Shri P.K.Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, B-Block, (III Floor)' 11/A Mirza Ghalib Street, Kolkata-700087..

Subject: Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.2004.

Sia,

I am directed to refer to your letter No. JMCI/Admn/99-2000/32(ii)/196, dated 7.9.2004 on the subject noted above and to say that the term of Justice Mukherjee Commission of Inquiry has been extended for six months beyond 14.11.2004.vide notification dated 14.11.2004(copy enclosed)

I am also directed to request you to complete and submit the report within the extended period as no further extension beyond the 14.5.2005 will be considered.

Yours faithfully,

dit has

that

(UMESH KALRA) Director(S)

U aph 14.5.205

New Delhi, dated the 19.11.2004

To

Shri P.K. Sengupta, Secretary, Justice Mukherjee Commission of Inquiry, B- Block,(III Floor), 11/A, Mirza Ghalib Street, Kolkata-700087.

Subject: Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.11.2004.

Sir,

Maril 101

I am directed to refer to you letter No.JMCI/Admn/99-2000/32(ii)/196, dated 7.9.2004 on the subject noted above and to say that the term of Justice Mukherjee Commission of Inquiry has been extended up to 14.5.2005 vide notification dated 14.11.2004 (copy enclosed).

I am also directed to request that the Commission may complete and submit its report within the extended period as it has been decided that no further extension beyond 14.5.2005 will be allowed.

Yours faithfully,

ofe (UMESH-KALRA)
Director(S)

MOST IMMEDIATE COPY NO.

#### No.28/CM/2004(i) GOVERNMENT OF INDIA (BHARAT SARKAR) CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)

New Delhi, the 16<sup>th</sup> November, 2004 25 Kartika, 1926 (S)

The undersigned is directed to circulate herewith the minutes of the meeting of the Cabinet held on the 11th November, 2004. (Case Nos.216/28/2004 to 232/28/2004).

Deputy Secretary(Cabinet)

Tele: 2301 5802

HS on town. Nay of see paya-

Principal Secretary to the Prime Minister.

TSIP) -- (4)

Copy, with a copy of the relevant minutes, forwarded to the following, in respect of the case(s) mentioned against each :-

Case No.(s)

, (	Secretary, Ministry of Home Affairs.	} 216, 217, 218, 219, 230,
D(IS) (3)		232, 222, 224, 226, 228 & 229
75 (DM) -{}	Secretary, Department of Legal Affairs.	} 216, 217, 218, 223, 224, 226, 227, 228, 229 & 231
JS(18) -(14)	Foreign Secretary.	} 216, 217, 224 & 232
JS/HR) (1)	Secretary, Legislative Department.	} 218, 224, 226, 227, 228, 229 & 231
JL [ F ] ( 5)	Secretary, Ministry of Parliamentary Affairs.	} 218, 226, 227 & 231
TSIANA	Secretary, Department of Expenditure.	} 219, 220, 221, 222, 223, 224, 225, 226, 228, 229 &
V41170		230
//	Secretary, Department of Personnel and Training. Secretary, Ministry of Tribal Affairs.	} 220, 221, 226, 228 & 229 } 221 & 218
	Secretary, Department of Agriculture and Cooperation.	} 222
	Secretary, Department of Food and Public Distribution.	} 222
e,	Secretary, Department of Mines.	} 223
/	Secretary Ministry of Labour	1 223

Copies

....2/-

# SECRET

-2-

Secretary, Department of Public Enterprises.	} 223 & 225
Secretary, Ministry of Defence.	} 224
Secretary, Ministry of Petroleum and Natural Gas.	} 224
Secretary,, Department of Shipping.	} 224
Secretary, Planning Commission.	} 224, 228 & 229
Secretary, Department of Telecommunications.	} 225
Secretary, Department of Pensions and Pensioner's Welfare.	} 225 & 227
Secretary, Department of Secondary and Higher Education.	} 226
Secretary, Ministry of Social Justice and Empowerment.	} 226 '
Secretary, Department of Economic Affairs.	} 227, 231, 228 & 229
Secretary, Department of Revenue.	} 228, 229 & 224

(K.L.\Sharma)
Deputy Secretary(Cabinet)

# SECRET

\*PKH\* Copies

241.

#### No. 28/CM/2004

#### CABINET SECRETARIAT

EXTRACTS FROM THE MINUTES OF THE MEETING OF THE CABINET HELD AT 1040 HOURS, ON THURSDAY, THE 11TH NOVEMBER, 2004, IN THE CONFERENCE ROOM (NO. 155), SOUTH BLOCK, NEW DELHI.

#### Case No.230/28/2004

Item 15

Extension of the term of the Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The Cabinet considered the note dated 09.11.2004 from the Ministry of Home Affairs (Grih Mantralaya) and approved the proposal contained in paragraph 10 thereof.

#### SECRET

\* CL \* Copies.

In accordance with the Rules of Procedure in Regard to Proceedings of the Cabinet (Rule 10), progress of action to implement the decision may be included in the Ministry's Monthly Summary for the information of the Members of the Council of Ministers.

Action taken to implement the decision may be communicated to the Cabinet Secretariat with reference to the Implementation Schedule attached to the agenda note.

MOST IMMEDIATE

242

#### No.VI/11034/18/98-ISD-III/NCB-II Government of India Ministry of Home Affairs

New Delhi, dated the, 25.11.2004

#### OFFICE MEMORANDUM

Subject:- Extension of the term of Justice Mukharjee Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The undersigned is directed to refer to Cabinet Secretariat O.M. No.28/CM/2004(i), dated 16.11.2004 on the above subject and to say that the Notification extending the term of Justice Mukherjee Commission of Inquiry for 6 months beyond 14.11.2004 has been issued on 14.11.2004. A copy of the Notification is enclosed for reference.

2. Further, the Secretary, JMCI has been informed that no further extension will be allowed and the Commission should submit its report within the extended period. A copy of the communication dated 19.11.2004 of this Ministry in this regard is also enclosed.

(U.K.KALRA)
DIRECTOR(S)

To

Cabinet Secretariat (Shri K.L. Sharma, DS(Cabinet) Rashtrapati Bhavan, New Delhi.

RLI Pl. issue
29/11/04



#### **MOST IMMEDIATE**

M.M. CHOPRA DS (S)

D.O.No.VI/11034/18/98-IS(D.III)/NCB-II

Dated 29.4.05

Dear Shri

I am sending herewith 60 copies each in English and Hindi of the Cabinet Note for further extension of term beyond 14.5.2005 of Justice Mukherjee Commission of Inquiry set up to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

As the term of the Commission is expiring on 14.5.2005, it is requested that this item may please be included in the agenda for consideration by the Cabinet in its next meeting.

With regards,

Enel: (Copy NO. 60)

Yours sincerely /

(M.M. CHOPRA)

To

1,1n. 230/5802

Shri K.L. Sharma, Deputy Secretary, Cabinet Secretariat, New Delhi.

Copy to: PMO Office (Attention - Shri Amit Agarwal, DS) alongwith note for the Cabinet. (copy NO. 61)

issued vide P.B.1/05

copy NO. 1 5 59 (English) Packet. copy NO. 60 to Sh. K.L. Shawn (Emuloph) copy NO. 1 to 60 (Hindi). Packet. copy NO. 61 to P.M.O. copy NO. 62 - 0/C.

**SECRET** 

Copy No.----

No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

#### **Note for the Cabinet**

Subject:

Extension of the term of Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

#### 1. Introduction

- 1.1 The matter regarding the disappearance of Netaji was considered by the Shah Nawaz Khan Committee which was constituted in April 1956. The Committee came to the conclusion that Netaji had died in a plane crash on 18.8.1945. This finding was accepted by the Government but it was not accepted by some sections of the people.
- 1.2. Following persistent demand by a number of Members of Parliament for a fresh inquiry, a Commission of Inquiry, headed by Justice G.D. Khosla, was appointed in July, 1970. Justice Khosla Commission also concluded that Netaji had died as a result of the plane crash. The Cabinet accepted this finding in August 1974, but it did not again receive universal acceptance.

  Page 1 of 7

- 1.3. The matter continued to be raised in the Lok Sabha on a number of occasions with demand for a fresh inquiry. In April, 1998, one, Shri Rudra Jyoti Bhattacharya, filed a writ petition in Kolkata High Court, demanding a fresh inquiry into Netaji's disappearance. The Kolkata High Court in its verdict dated 30.4.1998, issued directions for a vigorous inquiry by appointing, if necessary, a Commission of Inquiry.
- 1.4. The West Bengal Assembly also, on 24.12.1998, adopted a motion demanding:

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh inquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose.

- 1.5. The State Government of West Bengal also recommended setting up of an inquiry into the mysterious disappearance of Netaji Subhas Chandra Bose.
  - 1.6. In a meeting of eminent persons convened by the then Union Home Minister on 25.3.1999, it was felt that it would be advisable to set up another Commission of Inquiry for the purpose of arriving at a definite conclusion.
    Page 2 of 7

#### 2. Appointment of Justice Mukherjee Commission of Inquiry

2.1 The Cabinet, in its meeting held on 28.04.1999, approved a proposal submitted by the Ministry of Home Affairs, for appointment of a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. The Commission of Inquiry under Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India, was appointed vide notification dated 14.5.1999.

#### 3. Terms of reference of the Commission

- 3.1 The Justice Mukherjee Commission of Inquiry is required to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose during 1945 and subsequent developments connected therewith, including the following:-
- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

Page 3 of 7

3.2 The Commission is also required to examine the manner in which the exercise of scrutiny of publications touching upon the question of death or otherwise, of Netaji can be undertaken by the Central Government in the circumstances.

#### 4. Time frame for completion of the work by the Commission

- 4.1 In the notification dated 14.5.1999 regarding the appointment of the Commission, it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of the notification. The term of the Commission has, however, been extended regularly from time to time.
- 4.2 Before expiry of its earlier extended term on 14.11.2004, the Commission had in September, 2004 requested for a further extension of one year beyond 14.11.2004. The Commission was then requested to furnish the details of work done, work remaining to be done and projected time frame for completing the inquiry. The Commission pointed out several constraints in completing the inquiry and stated that it will take 3 months to prepare the report after completion of all the work remaining to be done. Since the reply of the commission was vague and the time frame

indicated by it open ended, it was considered that a time limit of 6 months may be set for completion of the work by the Commission.

- 4.3. The matter was considered by the Cabinet in its meeting held on 11.11.2004 and the Cabinet approved the following proposal submitted by the Ministry of Home Affairs:
  - (i) The term of the Commission may be extended for another 6 months beyond 14.11.2004, i.e., up to 14.5.2005.
  - (ii) The Commission may be informed that no further extension will be allowed and it should complete and submit its report within this period, i.e., by 14.5.2005.
  - 4.4. A notification extending the term of the Commission was accordingly issued, and the Commission was also informed about the decision at para 4.3(ii) above.
- 5. Justification for further extension of the term of the Commission.
- 5.1 S/Shri Debabrata Biswas, and Dr. Murli Manohar Joshi, both MPs, Rajya Sabha have written D.O. letters to the PM indicating that the Commission's investigation will not be over within the stipulated date i.e., 14.5.2005. They

Page 5 of 7

have requested that further extension should be granted to the Commission. Some of MPs have also met the Home Minister personally and pointed out that in September,2004 the Commission had requested for an extension of one year beyond 14.11.2004 but only six months extension was given. They have suggested that the Commission should be given more time to submit its report after visiting Russia and Vietnam.

- The Commission has also separately informed that it would like to visit Russian Union and Vietnam before finalizing its report as certain investigations are to be made by the Commission in those countries. The Commission has stated that it will submit its report within 3 months after completion of its visit to these countries.
- 5.3 Keeping in view the concern shown by MPs and need expressed by the Commission to visit Russian Union and Vietnam for finalizing its report, a further extension of term of the Commission would be desirable.

# 6. Proposal for consideration

6.1. It is proposed to extend the term of the Commission for another 6 months beyond 14.5.2005.

Page 6 of 7

- 7. Approval of the Cabinet is solicited to the proposal contained in para 6 above.
- 8. A statement of Implementation Schedule is at Appendix.
- 9. This note has been seen and approved by the Home Minister.

(Rakesh) Joint Secretary(S) Telephone No.23093008

Dated, the April,2005

To

The Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

गुप्त 207

# संख्या VI/11034/18/98-डी.(III) भारत सरकार गृह मंत्रालय

प्रति संख्या 6/

नई दिल्ली, दिनांक 29 अप्रैल, 2005

# मंत्रिमंडल के लिए नोट

विषय:- नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच के लिए गठित न्यायमूर्ति मुखर्जी जांच आयोग का कार्यकाल बढ़ाया जाना।

# 1. पृष्ठभूमि

- 1.1 नेताजी की गुमशुदगी संबंधी मामले पर अप्रैल, 1956 में गठित शाह नवाज खान समिति ने विचार किया था। समिति ने यह निष्कर्ष निकाला था कि नेताजी 18.8.1945 को विमान दुर्घटना में मारे गए थे।
- 1.2 अनेक संसद सदस्यों द्वारा नई जांच कराने की मांग के कारण जुलाई, 1970 में न्यायमूर्ति जी.डी. खोसला की अध्यक्षता में एक जांच आयोग नियुक्त किया गया था। इस आयोग ने भी यह निष्कर्ष निकाला कि नेताजी का देहान्त वायुयान दुर्घटना में हो गया था। मंत्रिमंडल ने अगस्त, 1974 में इस जांच आयोग के निष्कर्ष को स्वीकार कर लिया था परन्तु एक बार फिर इस निर्णय को सर्वत्र स्वीकार नहीं किया गया।
- 1.3 यह मामला कई अवसरों पर लोक सभा में उठता रहा और इसकी नए सिरे से जांच कराये जाने की मांग की जाती रही। अप्रैल, 1998 में किन्हीं रूद्र ज्योति भट्टाचार्य ने कलकत्ता उच्च न्यायालय में एक रिट याचिका दायर करके मांग की कि नेताजी की गुमशुदगी के बारे में नये सिरे से जांच की जाए। कलकत्ता उच्च न्यायालय ने

पृष्ठ 7 का 1

ge.

गुप्त 252

# संख्या VI/11034/18/98-डी.(III) भारत सरकार गृह मंत्रालय

दिनांक 30.4.98 को निदेश दिया कि यदि आवश्यक हो तो एक जांच आयोग नियुक्त करके इस मामले की गहन जांच करायी जाए।

1.4 पश्चिम बंगाल विधान सभा ने भी 24.12.1998 को एक प्रस्ताव अंगीकृत किया जिसमें मांग की गई:

"कि भारत सरकार भारत और उसके बाहर अभिलेखों और दस्तावेजों की उपलब्धता के लिए आवश्यक प्रबंध करे ताकि शिक्षाविद और लोग उन्हें देख सकें तथा एक नया जांच आयोग भी बनाया जाए ताकि नेताजी सुभाष चन्द्र बोस के पते ठिकाने से संबंधित रहस्य को दूर किया जा सके।"

- 1.5 पश्चिम बंगाल राज्य सरकार ने भी नेताजी सुभाष चन्द्र बोस के रहस्यमय ढंग से लापता हो जाने के बारे में जांच आयोग के गठन की सिफारिश की थी।
- 1.6 केन्द्रीय गृह मंत्री द्वारा दिनांक 25.03.1999 को आहूत प्रतिष्ठित व्यक्तियों की बैठक में यह महसूस किया गया कि इस मामले में ठोस निष्कर्ष तक पहुंचने के लिए एक वूसरा जांच आयोग गठित करना उचित होगा।

# न्यायमूर्ति मुखर्जी जांच आयोग का गठन

2

3

2.1 मंत्रिमंडल ने 28.04.1999 को हुई अपनी बैठक में, नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच कराने के लिए जांच आयोग अधिनियम, 1952 की धारा 3 के अंतर्गत एक जांच आयोग के गठन संबंधी गृह मंत्रालय के प्रस्ताव का अनुमोदन किया। दिनांक 14.5.1999 की अधिसूचना के तहत भारत के उच्चतम

गुप्त 253

# संख्या VI/11034/18/98-डी.(III) भारत सरकार गृह मंत्रालय

न्यायालय के सेवानिवृत्त न्यायाधीश न्यायमूर्ति श्री एम.के. मुखर्जी की अध्यक्षता में जांच आयोग का गठन किया गया।

# 3. आयोग के विचारार्थ विषय

- 3.1 आयोग से अपेक्षित है कि वह 1945 में नेताजी सुभाष चन्द्र बोस की गुमशुदगी से संबंधित सभी तथ्यों एवं परिस्थितियों तथा उनसे संबंधित परवर्ती घटनाक्रमों की जांच करेगा जिसमें निम्नलिखित शामिल हैं:-
- (क) नेताजी सुभाष चन्द्र बोस जीवित हैं या मृत,
- (ख) यदि उनकी मृत्यु हो चुकी है तो क्या उनकी मृत्यु हवाई दुर्घटना में हुई, जैसा कि कहा जाता है,
- (ग) क्या जापानी मंदिर में रखे अस्थि-अवशेष नेताजी के हैं,
- (घ) क्या उनकी मृत्यु अन्य किसी स्थान पर अन्य किसी रूप में हुई थी, यदि ऐसा है तो कब और कैसे हुई,
- (ङ) यदि वे जीवित हैं तो उनका पता ठिकाना क्या है।
- 3.2 आयोग से यह भी अपेक्षित है कि वह उस तरीके की भी जांच करे जिसमें नेताजी की मृत्यु या अन्य पक्षों से संबंधित प्रकाशनों की जांच वर्तमान परिस्थिति में केन्द्र सरकार द्वारा की जा सकती है।

# 4. आयोग द्वारा कार्य पूरा किए जाने की समय-सीमा

4.1 आयोग के गठन से संबंधित दिनांक 14.05.1999 की अधिसूचना में यह उल्लेख किया गया था कि आयोग अपनी रिपोर्ट यथाशीघ्र किन्तु अधिसूचना के प्रकाशन की तारीख से छः माह के भीतर प्रस्तुत कर देगा। तथापि, आयोग के कार्यकाल में समय-समय पर नियमित रूप से वृद्धि की गई है।

# संख्या VI/11034/18/98-डी.(III) भारत सरकार गृह मंत्रालय

- 4.2 पहले दिनांक 14.11.2004 को बढ़ाए गए अपने कार्यकाल की समाप्ति से पूर्व आयोग ने सितम्बर, 2004 में दिनांक 14.11.2004 के बाद भी अपने कार्यकाल को एक वर्ष और बढ़ाए जाने का अनुरोध किया था। तत्पश्चात, आयोग से किए गए कार्य, किए जाने वाले शेष कार्य तथा जांच पूरी करने के लिए संभावित समय-सीमा का विवरण प्रस्तुत करने का अनुरोध किया गया था। आयोग ने जांच पूरी करने में आ रही अनेक बाधाओं का उल्लेख करते हुए बताया था कि बचे हुए समस्त कार्य को पूरा किए जाने के बाद भी रिपोर्ट तैयार करने में उसे 3 माह का समय लगेगा। चूंकि आयोग का उत्तर अस्पष्ट था और उसके द्वारा उल्लिखत समय-सीमा भी समाप्त हो गई थी, इसलिए यह सोचा गया कि आयोग द्वारा कार्य को पूरा किए जाने के लिए 6 माह की समय-सीमा निर्धारित कर दी जाए।
- 4.3 मामले पर मंत्रिमंडल ने 11.11.2004 को आयोजित अपनी बैठक में विचार किया और गृह मंत्रालय के निम्नलिखित प्रस्ताव का अनुमोदन किया:
- (i) आयोग का कार्यकाल 14.11.2004 के बाद और 6 माह अर्थात् 14.05.2005 तक के लिए बढ़ा दिया जाए।
- (ii) आयोग को सूचित किया जाए कि इसके बाद उसका कार्यकाल नहीं बढ़ाया जाएगा और उसे इसी अवधि के भीतर अर्थात् 14.05.2005 तक अपना कार्य पूरा करके रिपोर्ट प्रस्तुत कर देनी चाहिए।
- 4.4 तदनुसार आयोग का कार्यकाल बढ़ाने संबंधी एक अधिसूचना जारी कर दी गई थी और उपरोक्त पैरा 4.3(ii) में उल्लिखित निर्णय से आयोग को भी अवगत करा दिया गया था।

# 5. आयोग का कार्यकाल और अधिक बढ़ाए जाने का औचित्य

- 5.1 राज्य सभा संसद सदस्यों सर्वश्री देबब्रत बिस्वास और डा. मुरली मनोहर जोशी ने प्रधानमंत्री को अ.शा.पत्र लिखकर बताया है कि आयोग की जांच निर्धारित तारीख अर्थात् 14.5.2005 तक पूरी नहीं होगी। उन्होंने अनुरोध किया है कि आयोग का कार्यकाल और अधिक बढ़ाया जाए। कुछ संसद सदस्यों ने व्यक्तिगत रूप से गृह मंत्री जी से मिलकर बताया है कि आयोग ने सितम्बर, 2004 में अनुरोध किया था कि उसका कार्यकाल 14.11.2004 के बाद और एक वर्ष के लिए बढ़ा दिया जाए किन्तु केवल छह माह के लिए ही कार्यकाल बढ़ाया गया। उन्होंने सुझाव दिया है कि आयोग को रूस और वियतनाम का दौरा करने के बाद अपनी रिपोर्ट प्रस्तुत करने के लिए और अधिक समय दिया जाए।
- 5.2 आयोग ने अलग से यह भी सूचित किया है कि वह अपनी रिपोर्ट को अंतिम रूप देने से पहले रूसी संघ और वियतनाम का दौरा करना चाहेगा क्योंकि आयोग को इन देशों में कुछ जांच करनी है। आयोग ने कहा है कि वह इन देशों का दौरा पूरा करने के बाद 3 माह के भीतर अपनी रिपोर्ट प्रस्तुत कर देगा।
- 5.3 संसद सदस्यों द्वारा व्यक्त चिंता तथा आयोग द्वारा अपनी रिपोर्ट को अंतिम रूप देने के लिए रूसी संघ तथा वियतनाम का दौरा करने की आवश्यकता महसूस किए जाने के मद्देनजर आयोग के कार्यकाल को और आगे बढ़ाना वांछनीय होगा।

गुप्त 25%

# संख्या VI/11034/18/98-डी.(III) भारत सरकार गृह मंत्रालय

- 6. विचारार्थ प्रस्ताव
- 6.1 आयोग का कार्यकाल 14.05.2005 के बाद और 6 माह की अवधि के लिए बढ़ाने का प्रस्ताव है।
- ऊपर पैरा 6 में दिए गए प्रस्ताव पर मंत्रिमंडल का अनुमोदन प्रार्थत है।
- कार्यान्वयन-विवरण परिशिष्ट पर दिया गया है।
- 9. गृह मंत्री जी ने यह नोट देख लिया है तथा इसका अनुमोदन कर दिया है।

याक श

(राकेश)

संयुक्त सचिव, भारत सरकार

दूरभाष: 23093008

दिनांकः 29 अप्रैल, 2005

सेवा में,

मंत्रिमंडल सचिवालय, राष्ट्रपति भवन, नई दिल्ली।

# संख्या VI/11034/18/98-डी.(III) भारत सरकार <u>गृह मंत्रालय</u>

परिशिष्ट

# कार्यान्वयन-विवरण

विषय:- नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच के लिए गठित न्यायमूर्ति मुखर्जी जांच आयोग का कार्यकाल बढ़ाया जाना।

क्र.सं.	अपेक्षित निर्णय का सार	संभावित लाभ/परिणाम	कार्यान्वयन का तरीका/ मंत्रिमंडल सचिवालय को रिपोर्ट करने की समय- सीमा
1.	14.05.2005 से आगे और	बोस की गुमशुदगी संबंधी	कार्यकाल बढ़ाये जाने के संबंध में मंत्रिमंडल का अनुमोदन प्राप्त होने के तत्काल बाद अधिसूचना जारी कर दी जाएगी।

क्षक्रिक्

(राकेश)

संयुक्त सचिव, भारत सरकार

दूरभाष: 23093008

25/ 258 SECRET 258

No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

New Delhi, dated the 29th April 05.

#### **Note for the Cabinet**

Subject:

Extension of the term of Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

#### 1. Introduction

- 1.1 The matter regarding the disappearance of Netaji was considered by the Shah Nawaz Khan Committee which was constituted in April 1956. The Committee came to the conclusion that Netaji had died in a plane crash on 18.8.1945. This finding was accepted by the Government but it was not accepted by some sections of the people.
- 1.2. Following persistent demand by a number of Members of Parliament for a fresh inquiry, a Commission of Inquiry, headed by Justice G.D. Khosla, was appointed in July, 1970. Justice Khosla Commission also concluded that Netaji had died as a result of the plane crash. The Cabinet accepted this finding in August 1974, but it did not again receive universal acceptance.

Page 1 of 8

SECRET 89

# No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

-2-

- 1.3. The matter continued to be raised in the Lok Sabha on a number of occasions with demand for a fresh inquiry. In April, 1998, one Shri Rudra Jyoti Bhattacharya, filed a writ petition in Kolkata High Court, demanding a fresh inquiry into Netaji's disappearance. The Kolkata High Court in its verdict dated 30.4.1998, issued directions for a vigorous inquiry by appointing, if necessary, a Commission of Inquiry.
- 1.4. The West Bengal Assembly also, on 24.12.1998, adopted a motion demanding:

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh inquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose."

1.5. The State Government of West Bengal also recommended setting up of an inquiry into the mysterious disappearance of Netaji Subhas Chandra Bose.

- 3 -

1.6. In a meeting of eminent persons convened by the then Union Home Minister on 25.3.1999, it was felt that it would be advisable to set up another Commission of Inquiry for the purpose of arriving at a definite conclusion.

# 2. Appointment of Justice Mukherjee Commission of Inquiry

2.1 The Cabinet, in its meeting held on 28.04.1999, approved a proposal submitted by the Ministry of Home Affairs, for appointment of a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. The Commission of Inquiry under Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India, was appointed vide notification dated 14.5.1999.

#### 3. Terms of reference of the Commission

3.1 The Justice Mukherjee Commission of Inquiry is required to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose during 1945 and subsequent developments connected therewith, including the following:-

-4-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how; and
- (e) if he is alive, in respect of his whereabouts.
- 3.2. The Commission is also required to examine the manner in which the exercise of scrutiny of publications touching upon the question of death or otherwise, of Netaji can be undertaken by the Central Government in the circumstances.

# 4. Time frame for completion of the work by the Commission

4.1. In the notification dated 14.5.1999 regarding the appointment of the Commission, it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of the notification. The term of the Commission has, however, been extended

Page 4 of 8

- 5 -

regularly from time to time.

- 4.2. Before expiry of its earlier extended term on 14.11.2004, the Commission had in September, 2004 requested for a further extension of one year beyond 14.11.2004. The Commission was then requested to furnish the details of work done, work remaining to be done and projected time frame for completing the inquiry. The Commission pointed out several constraints in completing the inquiry and stated that it will take three months to prepare the report after completion of all the work remaining to be done. Since the reply of the commission was vague and the time frame indicated by it open ended, it was considered that a time limit of six months may be set for completion of the work by the Commission.
- 4.3. The matter was considered by the Cabinet in its meeting held on 11.11.2004 and the Cabinet approved the following proposal submitted by the Ministry of Home Affairs:
  - (i) The term of the Commission may be extended for another six months beyond 14.11.2004, i.e., up to 14.5.2005.

Page 5 of 8

-6-

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- (ii) The Commission may be informed that no further extension will be allowed and it should complete and submit its report within this period, i.e., by 14.5.2005.
- 4.4. A notification extending the term of the Commission was accordingly issued, and the Commission was also informed about the decision at para 4.3(ii) above.
- 5. Justification for further extension of the term of the Commission.
- 5.1 S/Shri Debabrata Biswas, and Dr. Murli Manohar Joshi, both MPs, Rajya Sabha have written D.O. letters to the PM indicating that the Commission's investigation will not be over within the stipulated date, i.e., 14.5.2005. They have requested that further extension should be granted to the Commission. Some MPs have also met the Home Minister personally and pointed out that in September,2004 the Commission had requested for an extension of one year beyond 14.11.2004 but only six months' extension was given. They have suggested that the Commission should be given more time to submit its report

Page 6 of 8

-7-

after visiting Russia and Vietnam.

- 5.2. The Commission has also separately informed that it would like to visit Russian Union and Vietnam before finalizing its report as certain investigations are to be made by the Commission in those countries. The Commission has stated that it will submit its report within three months after completion of its visit to these countries.
- 5.3. Keeping in view the concern shown by MPs and need expressed by the Commission to visit Russian Union and Vietnam for finalizing its report, a further extension of term of the Commission would be desirable.

#### 6. Proposal for consideration

- 6.1. It is proposed to extend the term of the Commission for another six months beyond 14.5.2005.
- 7. Approval of the Cabinet is solicited to the proposal contained in para 6 above.

-8-

- 8. A statement of Implementation Schedule is at Appendix.
- 9. This note has been seen and approved by the Home Minister.

(Rakesh)
Joint Secretary(S)
Telephone No.23093008

Dated, the 29<sup>th</sup> April,2005.

To

The Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

Page 8 of 8

# **APPENDIX**

## No.VI/11034/18/98-D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

# STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:

Extension of tenure of Justice Mukherjee Commission of Inquiry set up to inquire into the alleged disappearance of Netaji Subhas Chandra Bose

Sl. No.	Gist of the decision required	Projected benefits/results	Time frame and manner of implementation/reporting to Cabinet Secretariat	
1.	Extension of term of the Commission for another six months beyond 14.5.2005.		immediately after the	

(RAKESH)

Joint Secretary (S) Telephone No. 23093008

L-853 |75 (5) 17 1267

JUSTICE MUKHERJEE COMMISSION OF INQUIRY FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor) 11/A Mirza Ghalib Street, Kolkata 700 087 Phone:

Office

Chairman - 252-2835 Secretary - 252-2767

Secretary - 252-2767 Officer on Special Duty - 252-2765

e-mail: jmcinscb@cal.3.vsnl.net.in

- 252-2766/68

 $\frac{Fax}{0091-033-252-2765}$ 

No. JMCI/Admn./99-2000/32(III)/10.

Kolkata, dated, 20.04.05.

From : Shri M.Roy,

Secretary, J.M.C.I.,

To : Shri Rakesh,

Joint Secretary (Security)
Ministry of Home Affairs,

Government of India,

North Block,

New Delhi-110001.

571/25(2)/05

Sir,

With reference to your d.o. letter no. Dy. No. L. 821/\$S(S)/05 dated 19.4.05 sent by FAX, I am directed to send herewith a photocopy of the order dated 20.04.05 of the Hon'ble Chairman in the matter for your kind information and favour of taking necessary action.

Endosure: As state & (in three sheets)

Yours faithfully,

( M. Roy )

( M. Roy Secretary

My (S)

Endon

My (S)

224/NCB-12/4

# JUSTICE MUKHERJEE COMMISSION OF INQUIRY

April 20, 2005

## **ORDER**

On April 19, 2005 (yesterday), the Secretary of the Commission received a telephone call followed by a fax message (received late in the afternoon) from a Joint Secretary of the Ministry of Home Affairs, Government of India (MHA) seeking the following information urgently:-

- (i) Whether the Justice Mukherjee Commission will be able to complete its Inquiry and submit its complete report by 14.5.2005 without visiting Russia and Vietnam?
- (ii) If not, what will be the proposed schedule for visiting these countries and for submitting Commission's report?

The above information has been sought for presumably in the context of the letter of this Commission sent as far back as on November 23, 2004 whereby the Commission intimated the Ministry of External Affairs (MEA) and MHA the reasons which weighed with it to cancel its programme of visit to the Russian Federation. However, before replying to the above queries certain related facts need be stated.

By its letter dated September 7, 2004 addressed to MHA, the Commission asked for extension of its term for another year with effect from November 15, 2004 detailing therein all the compelling facts and circumstances for such extension. In reply thereto MHA by its letter dated September 09, 2004 asked the Commission to let the Ministry know the extent of work done by the Commission till then. Responding thereto the Commission by its letter dated September 17, 2004 pointed out the extent of work done by it, the remaining work to be done and the formidable constraints which stood in the way of the Commission to project a fixed time frame for completion of the inquiry. It may be mentioned here that in that letter one of the constraints that was pointed out was that the Commission did not get the final clearance in respect of its tour to the Russian Union. These correspondence ended with a notification dated November 14, 2004 whereby the term was extended only for six months ending on May 14, 2005 and a letter dated November 19, 2004 from the Director of MHA wherein it was stated "I am also directed to request that the Commission may complete and submit its report within the extended period as it has been decided that no further extension beyond 14/5/2005 will be allowed" (emphasis supplied).

From the facts and circumstances as appearing on record it is evident that the Commission was compelled to complete the inquiry and submit its report by the dead line fixed. The Commission hastens to add that if it had the choice it would have liked to visit Russian Union and Vietnam before submitting its report having regard to the fact that statements were made and evidence was given justifying such visits by different deponents. Thus said, the Commission feels that the information sought for under (i) is rather a confusing one for, once the Commission was asked

to complete its inquiry and submit its report by May 14, 2005 without fail, it is not understood how the query can be raised regarding completion of its inquiry and submitting the complete report by the specified date. Indeed on completion of the inquiry the report is by now almost ready and will be submitted without fail by the due date.

So far as item (ii) is concerned, no answer can be given at this point of time for before preparing the schedule it has to be ascertained from all the participants whether they would like to attend the proposed proceedings as some of them attended the foreign proceedings in the past. Inevitably therefore their convenience, time to be taken by them for obtaining necessary travel documents and making other logistic arrangements have to be taken into consideration. Besides, needless to say, the active cooperation and prompt response from the MEA including Indian Embassies of the respective countries and MHA would be another important consideration for preparing the schedule. However the only answer to this query the Commission can give at this stage is that within three months from the date of completion of the visit it will be able to submit its report.

(M. K. Mukherjee)

211

D.O.No.VI/11034/18/98-D.III

गृह मंत्रालय भारत सरकार

नार्थ ब्लाक, नई दिल्ली 110001 MINISTRY OF HOME AFFAIRS GOVERNMENT OF INDIA NORTH BLOCK, NEW DELHI-110001

New Delhi, dated 12th May, 2005

Dear Shri Skanne,

PEPUTY SECRETARY (S)

A.M.CHOPRA

ele: 23092856

A Note for Cabinet regarding approval of further extension beyond 14-5-2005 of Justice Mukherjee Commission of Inquiry was forwarded to Cabinet Secretariat on 29-4-2005. It is understood that Cabinet has approved this proposal in its meeting held on 11-5-2005. Since the term of the Commission is going to expire on 14-5-2005 and a Notification is to be issued before the expiry of the term of the Commission, I shall be grateful if a letter of authorization is given to this Ministry to issue a Notification in time.

With best regards,

P13/5/05

Yours sincerely,

(M.M.Chopra)

Shri K.L.Sharma, Deputy Secretary, Cabinet Secretariat, New Delhi.

22

# No.VI/11034/18/98-IS(D.III)/NCB-II Government of India Ministry of Home Affairs

New Delhi dated 115.05

To

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Shri M. Roy, Secretary Justice Mukherjee Commission of Inquiry For Inquiry into the Alleged Disappearance of Netaji Subhas Chandra Bose 'B' Block (3<sup>rd</sup> floor), 11/A Mirza Ghalib Street **Kolkatta 700087.** 

Subject: Extension of the term of Justice Mukherjee Commission

of Inquiry beyond 14.5.05.

Sir,

In continuation of this Ministry's letter of even No. dated 4.5.05, I am directed to convey that the term of Justice Mukherjee Commission of Inquiry has been extended for further six months beyond 14.5.05. A Gazette Notification in this regard is being issued.

Yours faithfully,

(M.M CHOPRA)
DEPUTY SECRETARY

12/5/05



#### SECRET/MOST IMMEDIATE

सचिव (समन्वय एवं लोक शिकायत) मंत्रिमंडल सचिवालय

राष्ट्रपति भवन, नई दिल्ली SECRETARY (COORD. & PG) CABINET SECRETARIAT RASHTRAPATI BHAWAN NEW DELHI-110004

P.C. RAWAL

D.O. No. 22/CM/2005

May 12, 2005

Dear Shri Daggal

p. 2us few

The Cabinet at its meeting held on 11<sup>th</sup> May, 2005, considered the note dated 29.04.2005 from the Ministry of Home Affairs regarding "Extension of the term of Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose" and approved the proposal contained in paragraph 6.1 thereof.

2. The minutes of the meeting will be issued in due course. In the meanwhile, this letter may be treated as an authority to take further action in the matter.

12 K

ONS/DECENOR

With Regards

Yours sincerely,

( P.C. RAWAL

SHRI V.K. DUGGAL,

Secretary, Ministry of Home Affairs,

New Delhi.

Cabinet Document No. VI/11034/18/98-D(III)

CD 2 7 0 - 2 0 Government of India

Ministry of Home Affairs

Copy No.----

New Delhi, dated the 29th April 05.

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# Note for the Cabinet

Subject:

Extension of the term of Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

945/28(3)/05

## 1. Introduction

- 1.1 The matter regarding the disappearance of Netaji was considered by the Shah Nawaz Khan Committee which was constituted in April 1956. The Committee came to the conclusion that Netaji had died in a plane crash on 18.8.1945. This finding was accepted by the Government but it was not accepted by some sections of the people.
- 1.2. Following persistent demand by a number of Members of Parliament for a fresh inquiry, a Commission of Inquiry, headed by Justice G.D. Khosla, was appointed in July, 1970. Justice Khosla Commission also concluded that Netaji had died as a result of the plane crash. The Cabinet accepted this finding in August 1974, but it did not again receive universal acceptance.

Page 1 of 8

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No.VI/11034/18/98-D(III)
Government of India
Ministry of Home Affairs

-2-

- 1.3. The matter continued to be raised in the Lok Sabha on a number of occasions with demand for a fresh inquiry. In April, 1998, one Shri Rudra Jyoti Bhattacharya, filed a writ petition in Kolkata High Court, demanding a fresh inquiry into Netaji's disappearance. The Kolkata High Court in its verdict dated 30.4.1998, issued directions for a vigorous inquiry by appointing, if necessary, a Commission of Inquiry.
- 1.4. The West Bengal Assembly also, on 24.12.1998, adopted a motion demanding:

"that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also to institute a fresh inquiry commission in order to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose."

1.5. The State Government of West Bengal also recommended setting up of an inquiry into the mysterious disappearance of Netaji Subhas Chandra Bose.

# No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

- 3 -

1.6. In a meeting of eminent persons convened by the then Union Home Minister on 25.3.1999, it was felt that it would be advisable to set up another Commission of Inquiry for the purpose of arriving at a definite conclusion.

# 2. Appointment of Justice Mukherjee Commission of Inquiry

2.1 The Cabinet, in its meeting held on 28.04.1999, approved a proposal submitted by the Ministry of Home Affairs, for appointment of a Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, to enquire into the alleged disappearance of Netaji Subhas Chandra Bose. The Commission of Inquiry under Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India, was appointed vide notification dated 14.5.1999.

#### 3. Terms of reference of the Commission

3.1 The Justice Mukherjee Commission of Inquiry is required to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose during 1945 and subsequent developments connected therewith, including the following:-

# No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

-4-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how; and
- (e) if he is alive, in respect of his whereabouts.
- 3.2. The Commission is also required to examine the manner in which the exercise of scrutiny of publications touching upon the question of death or otherwise, of Netaji can be undertaken by the Central Government in the circumstances.
- 4. Time frame for completion of the work by the Commission
- 4.1. In the notification dated 14.5.1999 regarding the appointment of the Commission, it was stated that the Commission will submit its report as early as possible but not later than six months from the date of publication of the notification. The term of the Commission has, however, been extended

Page 4 of 8

# No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

-5-

regularly from time to time.

- 4.2. Before expiry of its earlier extended term on 14.11.2004, the Commission had in September, 2004 requested for a further extension of one year beyond 14.11.2004. The Commission was then requested to furnish the details of work done, work remaining to be done and projected time frame for completing the inquiry. The Commission pointed out several constraints in completing the inquiry and stated that it will take three months to prepare the report after completion of all the work remaining to be done. Since the reply of the commission was vague and the time frame indicated by it open ended, it was considered that a time limit of six months may be set for completion of the work by the Commission.
- 4.3. The matter was considered by the Cabinet in its meeting held on 11.11.2004 and the Cabinet approved the following proposal submitted by the Ministry of Home Affairs:
  - (i) The term of the Commission may be extended for another six months beyond 14.11.2004, i.e., up to 14.5.2005.

Page 5 of 8

No.VI/11034/18/98-D(III)
Government of India
Ministry of Home Affairs

-6-

- (ii) The Commission may be informed that no further extension will be allowed and it should complete and submit its report within this period, i.e., by 14.5.2005.
- 4.4. A notification extending the term of the Commission was accordingly issued, and the Commission was also informed about the decision at para 4.3(ii) above.
- 5. Justification for further extension of the term of the Commission.
- 5.1 S/Shri Debabrata Biswas, and Dr. Murli Manohar Joshi, both MPs, Rajya Sabha have written D.O. letters to the PM indicating that the Commission's investigation will not be over within the stipulated date, i.e., 14.5.2005. They have requested that further extension should be granted to the Commission. Some MPs have also met the Home Minister personally and pointed out that in September,2004 the Commission had requested for an extension of one year beyond 14.11.2004 but only six months' extension was given. They have suggested that the Commission should be given more time to submit its report

Page 6 of 8

# No.VI/11034/18/98-D(III) Government of India Ministry of Home Affairs

-7-

after visiting Russia and Vietnam.

- 5.2. The Commission has also separately informed that it would like to visit Russian Union and Vietnam before finalizing its report as certain investigations are to be made by the Commission in those countries. The Commission has stated that it will submit its report within three months after completion of its visit to these countries.
- 5.3. Keeping in view the concern shown by MPs and need expressed by the Commission to visit Russian Union and Vietnam for finalizing its report, a further extension of term of the Commission would be desirable.
- 6. Proposal for consideration
- 6.1. It is proposed to extend the term of the Commission for another six months beyond 14.5.2005.
- 7. Approval of the Cabinet is solicited to the proposal contained in para 6 above.

No.VI/11034/18/98-D(III)
Government of India
Ministry of Home Affairs

-8-

- 8. A statement of Implementation Schedule is at Appendix.
- 9. This note has been seen and approved by the Home Minister.

(Rakesh)
Joint Secretary(S)
Telephone No.23093008

Dated, the 29th April,2005.

To

The Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

Page 8 of 8

## No.VI/11034/18/98-D(III) GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

# STATEMENT OF IMPLEMENTATION SCHEDULE

Subject:

1.

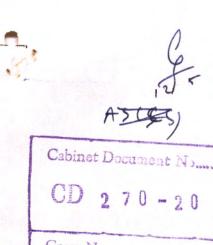
Extension of tenure of Justice Mukherjee Commission of Inquiry set up to inquire into the alleged

disappearance of Netaji Subhas Chandra Bose

Sl. No.	Gist of the decision required	Projected benefits/results	Time frame and manner of implementation/reporting to Cabinet Secretariat	
	Extension of term of the Commission for another six months beyond 14.5.2005.		immediately after the	

(RAKESH)

Joint Secretary (S) Telephone No. 23093008



भारत सरकार गृह मंत्रालय

प्रति संख्या 47

नई दिल्ली, दिनांक 29 अप्रैल, 2005

AS CCS

मंत्रिमंडल के लिए नोट

विषय:- नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच के लिए गठित न्यायमूर्ति मुखर्जी जांच आयोग का कार्यकाल बढाया जाना।

#### पृष्ठभूमि 1.

- नेताजी की गुमशुदगी संबंधी मामले पर अप्रैल, 1956 में गठित शाह नवाज खान समिति ने विचार किया था। समिति ने यह निष्कर्ष निकाला था कि नेताजी 18.8.1945 को विमान दुर्घटना में मारे गए थे।
- अनेक संसद सदस्यों द्वारा नई जांच कराने की मांग के कारण जुलाई, 1970 में न्यायमूर्ति जी.डी. खोसला की अध्यक्षता में एक जांच आयोग नियुक्त किया गया था। इस आयोग ने भी यह निष्कर्ष निकाला कि नेताजी का देहान्त वायुयान दुर्घटना में हो गया था। मंत्रिमंडल ने अगस्त, 1974 में इस जांच आयोग के निष्कर्ष को स्वीकार कर लिया था परन्तु एक बार फिर इस निर्णय को सर्वत्र स्वीकार नहीं किया गया।
- यह मामला कई अवसरों पर लोक सभा में उठता रहा और इसकी नए सिरे से जांच कराये जाने की मांग की जाती रही। अप्रैल, 1998 में किन्हीं रूद्र ज्योति भट्टाचार्य ने कलकत्ता उच्च न्यायालय में एक रिट याचिका दायर करके मांग की कि नेताजी की गुमशुदगी के बारे में नये सिरे से जांच की जाए। कलकत्ता उच्च न्यायालय ने

पृष्ठ 7 का 1

दिनांक 30.4.98 को निदेश दिया कि यदि आवश्यक हो तो एक जांच आयोग नियुक्त करके इस मामले की गहन जांच करायी जाए।

1.4 पश्चिम बंगाल विधान सभा ने भी 24.12.1998 को एक प्रस्ताव अंगीकृत किया जिसमें मांग की गई:

"कि भारत सरकार भारत और उसके बाहर अभिलेखों और दस्तावेजों की उपलब्धता के लिए आवश्यक प्रबंध करे ताकि शिक्षाविद और लोग उन्हें देख सकें तथा एक नया जांच आयोग भी बनाया जाए ताकि नेताजी सुभाष चन्द्र बोस के पते ठिकाने से संबंधित रहस्य को दूर किया जा सके।"

- 1.5 पश्चिम बंगाल राज्य सरकार ने भी नेताजी सुभाष चन्द्र बोस के रहस्यमय ढंग से लापता हो जाने के बारे में जांच आयोग के गठन की सिफारिश की थी।
- 1.6 केन्द्रीय गृह मंत्री द्वारा दिनांक 25.03.1999 को आहूत प्रतिष्ठित व्यक्तियों की बैठक में यह महसूस किया गया कि इस मामले में ठोस निष्कर्ष तक पहुंचने के लिए एक वूसरा जांच आयोग गठित करना उचित होगा।

# 2. न्यायमूर्ति मुखर्जी जांच आयोग का गठन

2.1 मंत्रिमंडल ने 28.04.1999 को हुई अपनी बैठक में, नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच कराने के लिए जांच आयोग अधिनियम, 1952 की धारा 3 के अंतर्गत एक जांच आयोग के गठन संबंधी गृह मंत्रालय के प्रस्ताव का अनुमोदन किया। दिनांक 14.5.1999 की अधिसूचना के तहत भारत के उच्चतम

न्यायालय के सेवानिवृत्त न्यायाधीश न्यायमूर्ति श्री एम.के. मुखर्जी की अध्यक्षता में जांच आयोग का गठन किया गया।

# 3. आयोग के विचारार्थ विषय

- 3.1 आयोग से अपेक्षित है कि वह 1945 में नेताजी सुभाष चन्द्र बोस की गुमशुदगी से संबंधित सभी तथ्यों एवं परिस्थितियों तथा उनसे संबंधित परवर्ती घटनाक्रमों की जांच करेगा जिसमें निम्नलिखित शामिल हैं:-
- (क) नेताजी सुभाष चन्द्र बोस जीवित हैं या मृत,
- (ख) यदि उनकी मृत्यु हो चुकी है तो क्या उनकी मृत्यु हवाई दुर्घटना में हुई, जैसा कि कहा जाता है,
- (ग) क्या जापानी मंदिर में रखे अस्थि-अवशेष नेताजी के हैं,
- (घ) क्या उनकी मृत्यु अन्य किसी स्थान पर अन्य किसी रूप में हुई थी, यदि ऐसा है तो कब और कैसे हुई,
- (ङ) यदि वे जीवित हैं तो उनका पता ठिकाना क्या है।
- 3.2 आयोग से यह भी अपेक्षित है कि वह उस तरीके की भी जांच करे जिसमें नेताजी की मृत्यु या अन्य पक्षों से संबंधित प्रकाशनों की जांच वर्तमान परिस्थिति में केन्द्र सरकार द्वारा की जा सकती है।

# 4. आयोग द्वारा कार्य पूरा किए जाने की समय-सीमा

4.1 आयोग के गठन से संबंधित दिनांक 14.05.1999 की अधिसूचना में यह उल्लेख किया गया था कि आयोग अपनी रिपोर्ट यथाशीघ्र किन्तु अधिसूचना के प्रकाशन की तारीख से छः माह के भीतर प्रस्तुत कर देगा। तथापि, आयोग के कार्यकाल में समय-समय पर नियमित रूप से वृद्धि की गई है।

- 4.2 पहले दिनांक 14.11.2004 को बढ़ाए गए अपने कार्यकाल की समाप्ति से पूर्व आयोग ने सितम्बर, 2004 में दिनांक 14.11.2004 के बाद भी अपने कार्यकाल को एक वर्ष और बढ़ाए जाने का अनुरोध किया था। तत्पश्चात, आयोग से किए गए कार्य, किए जाने वाले शेष कार्य तथा जांच पूरी करने के लिए संभावित समय-सीमा का विवरण प्रस्तुत करने का अनुरोध किया गया था। आयोग ने जांच पूरी करने में आ रही अनेक बाधाओं का उल्लेख करते हुए बताया था कि बचे हुए समस्त कार्य को पूरा किए जाने के बाद भी रिपोर्ट तैयार करने में उसे 3 माह का समय लगेगा। चूंकि आयोग का उत्तर अस्पष्ट था और उसके द्वारा उल्लिखत समय-सीमा भी समाप्त हो गई थी, इसलिए यह सोचा गया कि आयोग द्वारा कार्य को पूरा किए जाने के लिए 6 माह की समय-सीमा निर्धारित कर दी जाए।
- 4.3 मामले पर मंत्रिमंडल ने 11.11.2004 को आयोजित अपनी बैठक में विचार किया और गृह मंत्रालय के निम्नलिखित प्रस्ताव का अनुमोदन किया:
- (i) आयोग का कार्यकाल 14.11.2004 के बाद और 6 माह अर्थात् 14.05.2005 तक के लिए बढ़ा दिया जाए।
- (ii) आयोग को सूचित किया जाए कि इसके बाद उसका कार्यकाल नहीं बढ़ाया जाएगा और उसे इसी अवधि के भीतर अर्थात् 14.05.2005 तक अपना कार्य पूरा करके रिपोर्ट प्रस्तुत कर देनी चाहिए।
- 4.4 तदनुसार आयोग का कार्यकाल बढ़ाने संबंधी एक अधिसूचना जारी कर दी गई थी और उपरोक्त पैरा 4.3(ii) में उल्लिखित निर्णय से आयोग को भी अवगत करा दिया गया था।

# 5. आयोग का कार्यकाल और अधिक बढ़ाए जाने का औचित्य

- 5.1 राज्य सभा संसद सदस्यों सर्वश्री देबब्रत बिस्वास और डा. मुरली मनोहर जोशी ने प्रधानमंत्री को अ.शा.पत्र लिखकर बताया है कि आयोग की जांच निर्धारित तारीख अर्थात् 14.5.2005 तक पूरी नहीं होगी। उन्होंने अनुरोध किया है कि आयोग का कार्यकाल और अधिक बढ़ाया जाए। कुछ संसद सदस्यों ने व्यक्तिगत रूप से गृह मंत्री जी से मिलकर बताया है कि आयोग ने सितम्बर, 2004 में अनुरोध किया था कि उसका कार्यकाल 14.11.2004 के बाद और एक वर्ष के लिए बढ़ा दिया जाए किन्तु केवल छह माह के लिए ही कार्यकाल बढ़ाया गया। उन्होंने सुझाव दिया है कि आयोग को रूस और वियतनाम का दौरा करने के बाद अपनी रिपोर्ट प्रस्तुत करने के लिए और अधिक समय दिया जाए।
- 5.2 आयोग ने अलग से यह भी सूचित किया है कि वह अपनी रिपोर्ट को अंतिम रूप देने से पहले रूसी संघ और वियतनाम का दौरा करना चाहेगा क्योंकि आयोग को इन देशों में कुछ जांच करनी है। आयोग ने कहा है कि वह इन देशों का दौरा पूरा करने के बाद 3 माह के भीतर अपनी रिपोर्ट प्रस्तुत कर देगा।
- 5.3 संसद सदस्यों द्वारा व्यक्त चिंता तथा आयोग द्वारा अपनी रिपोर्ट को अंतिम रूप देने के लिए रूसी संघ तथा वियतनाम का दौरा करने की आवश्यकता महसूस किए जाने के मद्देनजर आयोग के कार्यकाल को और आगे बढ़ाना वांछनीय होगा।

- 6. विचारार्थ प्रस्ताव
- 6.1 आयोग का कार्यकाल 14.05.2005 के बाद और 6 माह की अवधि के लिए बढ़ाने का प्रस्ताव है।
- 7. ऊपर पैरा 6 में दिए गए प्रस्ताव पर मंत्रिमंडल का अनुमोदन प्रार्थत है।
- 8. कार्यान्वयन-विवरण परिशिष्ट पर दिया गया है।
- 9. गृह मंत्री जी ने यह नोट देख लिया है तथा इसका अनुमोदन कर दिया है।

याक श

(राकेश)

संयुक्त सचिव, भारत सरकार

दूरभाष: 23093008

दिनांक: 29 अप्रैल, 2005

सेवा में,

मंत्रिमंडल सचिवालय, राष्ट्रपति भवन, नई दिल्ली। ../

# संख्या VI/11034/18/98-डी.(III) भारत सरकार गृह मंत्रालय

परिशिष्ट

# कार्यान्वयन-विवरण

विषय:- नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच के लिए गठित न्यायमूर्ति मुखर्जी जांच आयोग का कार्यकाल बढ़ाया जाना।

क्र.सं.	अपेक्षित निर्णय का सार	संभावित लाभ/परिणाम	कार्यान्वयन का तरीका/ मंत्रिमंडल सचिवालय को रिपोर्ट करने की समय- सीमा
1.	14.05.2005 से आगे और	बोस की गुमशुदगी संबंधी	कार्यकाल बढ़ाये जाने के संबंध में मंत्रिमंडल का अनुमोदन प्राप्त होने के तत्काल बाद अधिसूचना जारी कर दी जाएगी।

214521

(राकेश)

संयुक्त सचिव, भारत सरकार

दूरभाष: 23093008



# No.VI/11034/18/98-D.III/NCB-II **Government of India Ministry of Home Affairs Security Division**

New Delhi, dated 13.5.05

To

The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi.

Subject:

Extension of the term of Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netaji Subhas Chander Bose - publication of Notification -

regarding.

Sir,

Enclosed please find a copy of a notification (both in Hindi and English) to be published in Part II, Section 3, Sub Section (ii) of the Gazette of India, Extraordinary dated 14.5.2005. It is requested that this notification may be published on 14.5.2005 and 50 copies thereof provided to this Ministry urgently for further necessary action.

It is also requested that S.O. No. allotted to this notification may be 2. intimated to the undersigned urgently.

Yours faithfully,

**DESK OFFICER** 

issued vide PB.1/05 through special messenger

(भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उपखण्ड (ii) में दिनांक 14.05.2005 को प्रकाशनार्थ)

भारत सरकार गृह मंत्रालय सुरक्षा प्रभाग

नई दिल्ली, दिनांक 14 मई, 2005

# अधिसूचना

सा. आ. \_\_\_\_\_ (अ) जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा भारत सरकार गृह मंत्रालय की दिनांक 14 मई, 1999 की अधिसूचना सा. आ. 339 (अ) में और आगे निम्नलिखित संशोधन करती है:-

उक्त अधिसूचना में पैराग्राफ 4 के स्थान पर निम्नलिखित पैरा प्रतिस्थापित किया जाएगा :

"4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथासंभव शीघ्र किन्तु 14 नवम्बर, 2005 से पूर्व प्रस्तुत करेगा ।"

> ्रिट (वी.एन. गौड़) संयुक्त सचिव, भारत सरकार

फा.सं. VI/11034/18/98-आईएस-डी.III/एनसीबी-II)

टिप्पणी: आयोग को नियुक्त करने के लिए मूल अधिसूचना भारत के राजपत्र में दिनांक 14.5.1999 को सा.आ. 339 (अ) में प्रकाशित की गई थी और बाद में उसमें निम्नलिखित तारीखों को संशोधन किए गए थे:-

- (i) सा.आ. 339 (अ) दिनांक 14 मई, 1999
- (ii) सा.आ. 1090 (अ), दिनांक 14 नवम्बर, 1999
- (iii) सा.आ. 462 (अ), दिनांक 14 मई, 2000
- (iv) सा.आ. 429 (अ), दिनांक 14 मई, 2001
- (v) सा.आ. 508 (अ), दिनांक 14 मई, 2002
- (vi) सा.आ. 546 (अ), दिनांक 14 मई, 2003
- (vii) सा.आ. 1313 (अ), दिनांक 14 नवम्बर, 2003
- (viii) सा.आ. 575 (अ), दिनांक 14 मई, 2004 और
- (ix) सा.आ. 1265 (अ), दिनांक 14 नवम्बर, 2004

292

(To be Published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) of dated 14.5.2005)

> Government of India Ministry of Home Affairs Security Division

> > New Delhi,dated 14th May, 2005

# **NOTIFICATION**

S.O.....(E) - In exercise of the powers conferred by sub-section (1) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14<sup>th</sup> May, 1999, namely:-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:-

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14<sup>th</sup> Nov.,2005."

Joint Secretary

F.No.VI/11034/18/98-IS-D.III/NCB-II)

NOTE: The principal notification appointing the Commission was published in the Gazette of India vide S.O.339(E), dated 14-5-1999 and subsequently amended vide:-

- (i) S.O. 339(E) dated the 14<sup>th</sup> May 1999;
- (ii) S.O.1090(E), dated the 14th Nov., 1999;
- (iii) S.O.462(E), dated the 14th May,2000;
- (iv) S.O.429(E), dated the 14th May,2001;
- (v) S.O.508(E), dated the 14th May,2002;
- (vi) S.O.546(E), dated the 14th May, 2003;
- (vii) S.O.1313(E), dated the 14th Nov;2003;
- (viii) S.O.575(E), dated the 14th May,2004; and
- (ix) S.O.1265(E), dated the 14th Nov;2004

# No.VI/11034/18/98-D.III/NCB-II Government of India Ministry of Home Affairs Security Division

New Delhi, dated 16.5.05

To

The Manager, Government of India Press, Mayapuri, Ring Road, New Delhi.

Subject:

Extension of the term of Justice Mukherjee Commission of Inquiry appointed to inquire into the alleged disappearance of Netaji Subhas Chander Bose – publication of Notification – regarding.

Sir,

I am directed to refer to this Ministry's letter of even No. dated 13.5.05 on the subject mentioned above and to say that Shri Srinivas, Peon (I.C.No.B-2030693 has been authorized to collect Gazette Notification dated 14.5.05.

Yours faithfully,

(M.S. ZUHA) DESK OFFICER

## भारत सरकार मुद्रणालय, रिंग रोड, नई दिल्ली

शृद्धि तथा प्राप्ति पत्नक प्रेषण का प्राप्ति टिप्पण

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#### GOVERNMENT OF INDIA PRESS. RING ROAD. NEW DELHI

Advice Note of Despatch of Proofs and Acknowledgment Voucher 1507 GL/05 प्रेषण वाउचर रजिस्टर सं. Reg. No. Despatch Voucher विभाग और मंत्रालय के पत्र सं. Deptt's or Ministry's Reqn. No. 1/1/034/18/98- D-III / MCB-III भेजा जा रहा है FORWARDED TO Sh. M. S. Zuka Desk office (See 19 4) HETER HOLDER AND THE Black A Delle by THE MANAGER, GOVT. OF INDIA PRESS RING ROAD, NEW DELHI दिनांक Dated ... कार्य का विवरण Particulars of work. E-O- QI Part II-3(11) प्रक Proofs पृष्ठों की सं. No. of Pages पाण्डलिपि Mss प्रतियों की सं. No. of Copies ... 50 (& प्राप्ति सूचना ACKNOWLEDGMENT प्रषण वाउचर Mn N.9 Despatch Voucher खा जाए/kept standing. टाइप/Type should be विभवत किया जाए/distributed. 6836U Register No.... 1507 G. प्क/Proofs पृथ्ठों की सं. No. of Pages पाण्ड लेपि/Mss

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पता

Address.

दिनांक ]

Dated ...

इस पत्रक का दितीय भाग प्राप्ति के प्रमाण में शोध ही 7 दिन के भीतर हस्ताक्षरित किया हवा लौटाए जाने की प्रार्थना है।

Prompt return of 2nd portion of this Voucher duly signed within 7 days in token of acknowledgment is requested.

MGIPRRND-25 GIPRR/87-Sec. II-16-9-87-1000 Books.

[PART II-SEC. 3(ii)]



#### MINISTRY OF HOME AFFAIRS

#### (Security Division)

#### NOTIFICATION

New Delhi, the 14th May, 2005

S.O. 671(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely :-

In the said notification, for paragraph 4, the following paragraph shall be substituted, namely:—

"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th November, 2005."

[F. No. VI-11034/18/98-IS-D. III/NCB-II]

V. N. GAUR, Jt. Secy.

Note:—The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339(E), dated 14-5-1999 and subsequently amended vide:

- S.O. 339(E), dated the 14th May, 1999;
- S.O. 1090(E), dated the 14th November, 1999; (ii)
- (iii) S.O. 462(E), dated the 14th May, 2000;
- S.O. 429(E), dated the 14th May, 2001; (iv)
- S.O. 508(E), dated the 14th May, 2002;
- S.O. 546(E), dated the 14th May, 2003; (vi)
- S.O. 1313(E), dated the 14th November, 2003; (vii)
- S.O. 575(E), dated the 14th May, 2004; and (viii)
- (ix) S.O. 1265(E), dated the 14th November, 2004.



296

# HRAA THE USIUS The Gazette of India

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii) प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 487] No. 487] नई दिल्ली, शनिवार, मई 14, 2005/वैशाख 24, 1927 NEW DELHI, SATURDAY, MAY 14, 2005/VAISAKHA 24, 1927

गृह मंत्रालय

(सुरक्षा प्रभाग)

#### अधिसूचना

नई दिल्ली, 14 मई, 2005

का.आ. 671(अ).—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा भारत सरकार, गृह मंत्रालय की दिनांक 14 मई, 1999 की अधिसूचना का.आ. 339(अ) में और आगे निम्नलिखित संशोधन करती है:—

उक्त अधिसूचना में पैराग्राफ 4 के स्थान पर निम्नलिखित पैरा प्रतिस्थापित किया जाएगा :

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथासंभव शीघ्र किन्तु 14 नवम्बर, 2005 से पूर्व प्रस्तुत करेगा।''

[फा. सं. VI-11034/18/98-आईएस-डी.III/एनसीबी-II]

वी. एन. गौड़, संयुक्त सचिव

टिप्पणी: — आयोग को नियुक्त करने के लिए मूल अधिसूचना भारत के राजपत्र में दिनांक 14-5-1999 को का.आ. 339(अ) में प्रकाशित की गई थी और बाद में उसमें निम्नलिखित तारीखों को संशोधन किए गए थे:—

- (i) का.आ. 339(अ), दिनांक 14 मई, 1999
- (ii) का.आ. 1090(अ), दिनांक 14 नवम्बर, 1999
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- (iv) का.आ. 429(अ), दिनांक 14 मई, 2001
- (v) का.आ. 508(अ), दिनांक 14 मई, 2002
- (vi) का.आ. 546(अ), दिनांक 14 मई, 2003
- (vii) का.आ. 1313(अ), दिनांक 14 नवम्बर, 2003
- (viii) का.आ. 575(अ), दिनांक 14 मई, 2004 और
- (ix) का.आ. 1265(अ), दिनांक 14 नवम्बर, 2004

# No.VI/11034/18/98-IS(D.III)/NCB-II Government of India Ministry of Home Affairs Security Division

(297)

New Delhi dated 16.5.05

To

Shri M. Roy, Secretary Justice Mukherjee Commission of Inquiry For Inquiry into the Alleged Disappearance of Netaji Subhas Chandra Bose 'B' Block (3<sup>rd</sup> floor), 11/A Mirza Ghalib Street **Kolkatta 700087.** 

Subject:

Extension of the term of Justice Mukherjee Commission

of Inquiry beyond 14.5.05.

Sir,

In continuation of this Ministry's letter of even No. dated 12.5.05, I am directed to convey that the term of Justice Mukherjee Commission of Inquiry has been extended up to 14.11.2005 vide notification dated 14.5.2005 (copy enclosed).

Yours faithfully,

(M.S. ZÜHA) DESK OFFICER

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# Hitchen Isius The Gazette of India

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii) प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

ਸਂ. 487] No. 487] नई दिल्ली, शनिवार, मई 14, 2005/वैशाख 24, 1927 NEW DELHI, SATURDAY, MAY 14, 2005/VAISAKHA 24, 1927

गृह मंत्रालय

(सुरक्षा प्रभाग)

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नई दिल्ली, 14 मई, 2005

का.आ. 671(अ).—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा भारत सरकार, गृह मंत्रालय की दिनांक 14 मई, 1999 की अधिसूचना का.आ. 339(अ) में और आगे निम्नलिखित संशोधन करती है:—

उक्त अधिसूचना में पैराग्राफ 4 के स्थान पर निम्नलिखित पैरा प्रतिस्थापित किया जाएगा :

''4. आयोग अपनी रिपोर्ट केन्द्रीय सरकार को यथासंभव शीघ्र किन्तु 14 नवम्बर, 2005 से पूर्व प्रस्तुत करेगा।''

[फा. सं. VI-11034/18/98-आईएस-डी.III/एनसीबी-II]

वी. एन. गौड़, संयुक्त सचिव

टिप्पणी: — आयोग को नियुक्त करने के लिए मूल अधिसूचना भारत के राजपत्र में दिनांक 14-5-1999 को का.आ. 339(अ) में प्रकाशित की गई थी और बाद में उसमें निम्नलिखित तारीखों को संशोधन किए गए थे:—

- (i) का.आ. 339(अ), दिनांक 14 मई, 1999
- (ii) का.आ. 1090(अ), दिनांक 14 नवम्बर, 1999
- (iii) का.आ. 462(अ), दिनांक 14 मई, 2000
- (iv) का.आ. 429(अ), दिनांक 14 मई, 2001
- (v) का.आ. 508(अ), दिनांक 14 मई, 2002
- (vi) का.आ. 546(अ), दिनांक 14 मई, 2003
- (vii) का.आ. 1313(अ), दिनांक 14 नवम्बर, 2003
- (viii) का.आ. 575(अ), दिनांक 14 मई, 2004 और
- (ix) का.आ. 1265(अ), दिनांक 14 नवम्बर, 2004

1507 GI/2005

#### MINISTRY OF HOME AFFAIRS

#### (Security Division)

#### NOTIFICATION

New Delhi, the 14th May, 2005

S.O. 671(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs number S.O. 339(E), dated the 14th May, 1999, namely:—

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"4. The Commission shall submit its report to the Central Government as soon as possible but not later than the 14th November, 2005."

[F. No. VI-11034/18/98-IS-D. III/NCB-II]

V. N. GAUR, Jt. Secy.

Note:—The principal notification appointing the Commission was published in the Gazette of India vide S.O. 339(E), dated 14-5-1999 and subsequently amended vide:—

- (i) S.O. 339(E), dated the 14th May, 1999;
- (ii) S.O. 1090(E), dated the 14th November, 1999;
- (iii) S.O. 462(E), dated the 14th May, 2000;
- (iv) S.O. 429(E), dated the 14th May, 2001;
- (v) S.O. 508(E), dated the 14th May, 2002;
- (vi) S.O. 546(E), dated the 14th May, 2003;
- (vii) S.O. 1313(E), dated the 14th November, 2003;
- (viii) S.O. 575(E), dated the 14th May, 2004; and
  - (ix) S.O. 1265(E), dated the 14th November, 2004.

By Speed Post

No.VI/11034/18/98-IS(D.III)/NCB-II
Government of India
Ministry of Home Affairs
Security Division

300

New Delhi dated 16.5.05

To

Shri M. Roy,
Secretary
Justice Mukherjee Commission of Inquiry
For Inquiry into the Alleged Disappearance of
Netaji Subhas Chandra Bose
'B' Block (3<sup>rd</sup> floor), 11/A Mirza Ghalib Street
Kolkatta 700087.

Subject: Extension of the term of Justice Mukherjee Commission of Inquiry beyond 14.5.05.

Sir,

In continuation of this Ministry's letter of even No. dated 12.5.05, I am directed to convey that the term of Justice Mukherjee Commission of Inquiry has been extended up to 14.11.2005 vide notification dated 14.5.2005 (copy enclosed).



Yours faithfully,

(M.S. ZUHA) DESK OFFICER

· 7c

SECRET COPY NO. No.22/CM/2005(i) GOVERNMENT OF INDIA (BHARAT SÁRKAR) CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA) New Delhi, the 17th May, 2005 27 Vaisakha, 1927 (S) The undersigned is directed to circulate herewith the minutes of the meeting of the Cabinet held on the 11th May, 2005. (Case Nos.173/22/2005 to 178/22/2005).

(K.L. Shárma)

Deputy Secretary(Cabinet)

Tele: 2301 5802

Stem

Principal Secretary to the Prime Minister.

Copy, with a copy of the relevant minutes, forwarded to the following, in respect of the case(s) mentioned against each :-

Secretary, Department of Expenditure.

} 173, 174 & 175 } 173, 174 & 176

Case No.(s)

Secretary, Ministry of Home Affairs. Foreign Secretary.

} 174 } 174

Secretary, Ministry of Environment and Forests. Secretary, Planning Commission.

} 174 } 174 & 177

Secretary, Ministry of Defence.

} 174 & 178

Secretary, Department of Agriculture and Cooperation. Secretary, Department of Health and Family Welfare.

} 174 & 178 } 175

Secretary, Ministry of Rural Development.

} 175

Secretary, Ministry of Panchayati Raj. Secretary, Ministry of Parliamentary Affairs.

} 176 } 176 & 177

Secretary, Department of Legal Affairs.

Secretary, Legislative Department.

} 176 & 177

Secretary, Ministry of Food Processing Industries. Secretary, Ministry of Statistics and Programme Implementation.

} 177 } 177

Secretary, Ministry of Labour and Employment.

} 177 & 178 } 177 & 178

Secretary, Ministry of Small Scale Industries. Chairman, Railway Board.

} 178

Secretary, Department of Atomic Energy.

} 178

Secretary, Department of Ayurveda, Yoga & Naturopathy, Unani, \,\) 178 Siddha and Homoeopathy (AYUSH).

Secretary, Department of Bio-technology.

} 178

Secretary, Department of Chemicals and Petro-Chemicals. Secretary, Department of Commerce.

} 178 } 178

Secretary, Department of Defence Production.

} 178

Secretary, Department of Fertilizers.

} 178 } 178

Secretary, Department of Food and Public Distribution.

} 178

Secretary, Department of Heavy Industry. Secretary, Department of Information Technology.

} 178

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Secretary, Ministry of Non-conventional Energy Sources.	} 178
Secretary, Ministry of Petroleum and Natural Gas.	} 178
Secretary, Ministry of Power.	} 178
Secretary, Ministry of Social Justice and Empowerment.	} 178
Secretary, Ministry of Textiles.	} 178
Secretary, Ministry of Tourism.	} 178
Secretary, Ministry of Tribal Affairs.	} 178
Secretary, Ministry of Urban Employment and Poverty Alleviation.	} 178
Secretary, Ministry of Water Resources.	} 178

(K.L. Sharma)
Deputy Secretary(Cabinet)

SECRET

\*RKS\* 60 Copies.

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#### No. 22/CM/2005

## **CABINET SECRETARIAT**

EXTRACTS FROM THE MINUTES OF THE MEETING OF THE CABINET HELD AT 1900 HOURS, ON WEDNESDAY, 11<sup>TH</sup> MAY, 2005, IN THE CONFERENCE ROOM (NO. 155), SOUTH BLOCK, NEW DELHI.

#### Case No.173/22/2005

Item 1

Extension of the term of Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The Cabinet considered the note dated 29.04.2005 from the Ministry of Home Affairs (Grih Mantralaya) and approved the proposal contained in paragraph 6.1 thereof.

### SECRET

\*RKS\*

3 Copies.

In accordance with the Rules of Procedure in Regard to Proceedings of the Cabinet (Rule 10), progress of action to implement the decision may be included in the Ministry's Monthly Summary for the information of the Members of the council of Ministers.

Action taken to implement the decision may be communicated to the Cabinet Secretariat with reference to the Implementation Schedule attached to the agenda note.

गुप्त

अति−तत्काल प्रति सं0−⊋

सं0 22/सीएम/2005(i) भारत सरकार मंत्रिमंडल सचिवालय

> नई दिल्ली, 17 <u>मई, 2005</u> 2-1 वैशाख, 1927 (शक)

अधोहस्ताक्षरी को मंत्रिमंडल की दिनांक 11 मई, 2005 को हुई बैठक का कार्यवृत्त इसके साथ परिचालित करने का निदेश हुआ है। (प्रकरण सं0 173/22/2005 से 178/22/2005 तक)।

( के0 एल0 शर्मा ) उप सचिव (मंत्रिमंडल) दूरभाष: 23015802

सेवा में,

प्रधानमंत्री के प्रधान सचिव ।

प्रतिलिपि, संगत कार्यवृत्त की प्रति सिंहत, निम्नलिखित को उनके सामने दर्शाए गए प्रकरण (णों) के संबंध में प्रेषित:

प्रकरण सं0

( 177 और 178

( 178

( 178

#### सचिव, व्यय विभाग । ( 173, 174 और 175 सचिव, गृह मंत्रालय । ( 173, 174 और 176 विदेश सचिव । ( 174 सचिव, पर्यावरण और वन मंत्रालय । ( 174 सचिव, योजना आयोग । ( 174 सचिव, रक्षा मंत्रालय । ( 174 और 177 सचिव, कृषि और सहकारिता विभाग । ( 174 और 178 सचिव, स्वास्थ्य और परिवार कल्याण विभाग । ( 174 और 178 सचिव, ग्रामीण विकास मंत्रालय । ( 175 सचिव, पंचायती राज मंत्रालय । ( 175 सचिव, संसदीय कार्य मंत्रालय । ( 176 सचिव, विधि कार्य विभाग । ( 176 और 177 सचिव, विधायी विभाग । ( 176 और 177 सचिव, खाद्य प्रसंस्करण उद्योग मंत्रालय । ( 177 सचिव. सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय । ( 177 सचिव, श्रम और रोजगार मंत्रालय । ( 177 और 178

महेश

60 प्रतियां

सचिव, लघु उद्योग मंत्रालय ।

सचिव, परमाणु ऊर्जा विभाग ।

अध्यक्ष, रेल बोर्ड ।

सचिव,	आयुर्वेद, योग और प्राकृतिक चिकित्सा,	( 178	
,	यूनानी, सिद्ध और होम्योपैथी (आयुष) विभाग	ì	
सचिव,	बायो-टेक्नॉलोजी विभाग ।	( 178	
सचिव,	रसायन और पेट्रो-रसायन विभाग ।	( 178	
सचिव,	वाणिज्य विभाग ।	( 178	
सचिव,	रक्षा उत्पादन विभाग ।	( 178	
सचिव,	उर्वरक विभाग ।	( 178	
सचिव,	खाद्य और सार्वजनिक वितरण विभाग ।	( 178	
सचिव,	भारी उद्योग विभाग ।	( 178	
सचिव,	सूचना प्रौद्योगिकी विभाग ।	( 178	
सचिव,	लोक उद्यम विभाग ।	( 17	8
सचिव,	वैज्ञानिक और औद्योगिक अनुसंधान विभाग ।	( 17	8
सचिव,	माध्यमिक और उच्चतर शिक्षा विभाग ।	( 17	8
सचिव,	अंतरिक्ष विभाग ।	( 17	8
सचिव,	दूरसंचार विभाग ।	( 17	8
सचिव,	शहरी विकास मंत्रालय ।	( 17	8
सचिव,	नागर विमानन मंत्रालय ।	( 17	8
सचिव,	सूचना और प्रसारण मंत्रालय ।	( 17	8
सचिव,	खान मंत्रालय ।	( 17	8
सचिव,	अपारंपरिक ऊर्जा स्रोत मंत्रालय ।	( 17	8
सचिव,	पैट्रोलियम और प्राकृतिक गैस मंत्रालय ।	( 17	8
	विद्युत मंत्रालय ।	( 17	18
सचिव,	सामाजिक न्याय और अधिकारिता मंत्रालय ।	( 17	78
सचिव,	वस्त्र मंत्रालय ।	( 17	78
सचिव,	पर्यटन मंत्रालय ।	( 17	78
सचिव,	जनजातीय कार्य मंत्रालय ।	( 17	78
सचिव,	शहरी रोजगार और गरीबी उपशमन मंत्रालय	1 ( 17	8
	जल संसाधन मंत्रालय ।	( 17	

(के0 एल0 शर्मा) उप सचिव (मंत्रिमंडल)

सं0 22/सीएम/2005

# मंत्रिमंडल सचिवालय

मंत्रिमंडल की बुधवार, 11 मई, 2005 को 1900 बजे, सम्मेलन कक्ष (सं0 155), साउथ ब्लाक, नई दिल्ली में हुई बैठक के कार्यवृत्त का सारांश ।

प्रकरण सं0 173/22/2005

मद 1

नेताजी सुभाष चन्द्र बोस की कथित गुमशुदगी की जांच के लिए गठित न्यायमूर्ति मुखर्जी जांच आयोग का कार्यकाल बढ़ाया जाना ।

मंत्रिमंडल ने गृह मंत्रालय की दिनांक 29.04.2005 की टिप्पणी पर विचार किया और उसके पैराग्राफ 6.1 में उल्लिखित प्रस्ताव को स्वीकृति प्रदान की ।

गुप्त

Extra beyond 14.5.2005.

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# No.VI/11034/18/98-ISD-III/NCB-II Government of India Ministry of Home Affairs

New Delhi, dated the, 26.5.2005

#### **OFFICE MEMORANDUM**

Subject:- Extension of the term of Justice Mukharjee Commission of Inquiry to enquire into the alleged disappearance of Netaji Subhas Chandra Bose.

The undersigned is directed to refer to Cabinet Secretariat O.M. No.28/CM/2005(i), dated 17.5.2005 on the above subject and to say that the Notification extending the term of Justice Mukherjee Commission of Inquiry for 6 months beyond 14.5.2005 has been issued on 14.5.2005.

A copy of the Notification is enclosed for reference.

(M.M. CHOPRA)
DEPUTY SECRETARY(S)

To

Cabinet Secretariat (Shri K.L. Sharma, DS(Cabinet) Rashtrapati Bhavan,

